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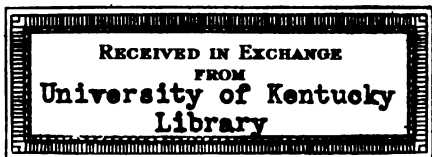
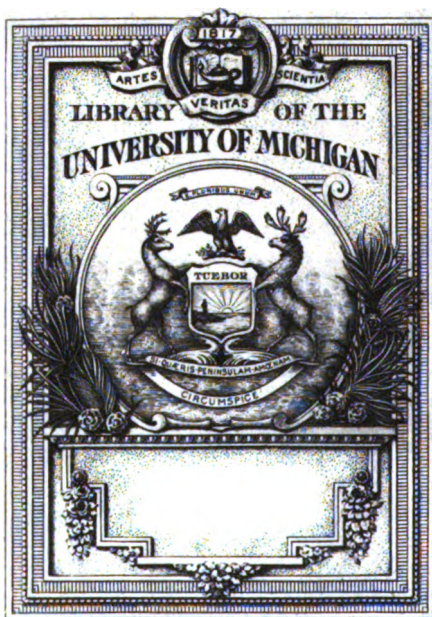
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J  
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THE  
JOURNAL OF THE SENATE

DURING THE  
EIGHTEENTH SESSION

OF THE  
Legislature of the State of California,  
*Legislature. Senat*

1869-70.

BEGAN ON MONDAY, THE SIXTH DAY OF DECEMBER, EIGHTEEN HUNDRED  
AND SIXTY-NINE, AND ENDED ON MONDAY, THE FOURTH DAY  
OF APRIL, EIGHTEEN HUNDRED AND SEVENTY.



SACRAMENTO:  
D. W. GELWICKS, STATE PRINTER.  
1870.



44

J  
87  
C26

JOURNAL  
OF THE  
PROCEEDINGS OF THE SENATE.

The roll was called, with the following result :

| Names.          | Stevens. | Barnes. |
|-----------------|----------|---------|
| Banvard.....    | 1        | .....   |
| Beach.....      | .....    | 1       |
| Betge.....      | 1        | .....   |
| Burnett .....   | 1        | .....   |
| Chappell .....  | .....    | 1       |
| Comte .....     | 1        | .....   |
| Conn.....       | 1        | .....   |
| Curtis.....     | 1        | .....   |
| Farley .....    | 1        | .....   |
| Fowler.....     | 1        | .....   |
| Green.....      | .....    | 1       |
| Gwin .....      | 1        | .....   |
| Hager.....      | 1        | .....   |
| Hunter.....     | 1        | .....   |
| Hutchings.....  | 1        | .....   |
| Irwin .....     | 1        | .....   |
| Kincaid .....   | 1        | .....   |
| Larkin.....     | 1        | .....   |
| Lawrence .....  | 1        | .....   |
| Lewis.....      | 1        | .....   |
| Maclay.....     | 1        | .....   |
| Mandeville..... | 1        | .....   |
| McDougall ..... | 1        | .....   |
| Minis .....     | 1        | .....   |
| Morrill.....    | 1        | .....   |
| Murch.....      | .....    | 1       |
| O'Connor.....   | 1        | .....   |
| Orr .....       | .....    | 1       |
| Pendegast.....  | 1        | .....   |
| Perkins .....   | .....    | 1       |
| Roberts .....   | .....    | 1       |
| Saunders .....  | 1        | .....   |
| Tompkins .....  | 1        | .....   |
| Turner.....     | .....    | 1       |
| Tweed .....     | .....    | 1       |
| Wand.. .....    | 1        | .....   |
| Wing ....       | .....    | 1       |

|                                 |    |
|---------------------------------|----|
| Whole number of votes cast..... | 37 |
| Necessary to a choice.....      | 19 |
| Mr. Stevens received.....       | 27 |
| Mr. Barnes received.....        | 10 |

Mr. Stevens having received a majority of all the votes cast, was declared duly elected Minute Clerk of the Senate

#### JOURNAL CLERK.

Mr. Conn nominated Juan J. de la Guerra.

Mr. Perkins nominated William De Haven.



The roll was called, with the following result :

| Names.           | De la Guerra. | De Haven. |
|------------------|---------------|-----------|
| Banvard .....    | 1             | .....     |
| Beach.....       | .....         | 1         |
| Betge .....      | 1             | .....     |
| Burnett.....     | 1             | .....     |
| Chappell .....   | .....         | 1         |
| Comte .....      | 1             | .....     |
| Conn.....        | 1             | .....     |
| Curtis.....      | 1             | .....     |
| Farley .....     | 1             | .....     |
| Fowler.....      | 1             | .....     |
| Green.....       | .....         | 1         |
| Gwin .....       | 1             | .....     |
| Hager .....      | 1             | .....     |
| Hunter .....     | 1             | .....     |
| Hutchings.....   | 1             | .....     |
| Irwin.....       | 1             | .....     |
| Kincaid .....    | 1             | .....     |
| Larkin .....     | 1             | .....     |
| Lawrence .....   | 1             | .....     |
| Lewis .....      | 1             | .....     |
| MacIay .....     | 1             | .....     |
| Mandeville ..... | 1             | .....     |
| McDougall.....   | 1             | .....     |
| Morrill .....    | 1             | .....     |
| Murch .....      | .....         | 1         |
| O'Connor.....    | 1             | .....     |
| Orr .....        | .....         | 1         |
| Pendegast .....  | 1             | .....     |
| Perkins .....    | .....         | 1         |
| Roberts .....    | .....         | 1         |
| Saunders .....   | 1             | .....     |
| Tompkins .....   | 1             | .....     |
| Turner .....     | .....         | 1         |
| Tweed .....      | .....         | 1         |
| Wand .....       | 1             | .....     |
| Wing.....        | .....         | 1         |

Whole number of votes cast.....36

Necessary to a choice.....19

Mr. De la Guerra received.....26

Mr. De Haven received.....10

Mr. De la Guerra having received a majority of all the votes cast, was declared duly elected Journal Clerk of the Senate.

#### ENGROSSING CLERK.

Mr. Wand nominated Louis Kaplan.

Mr. Tweed nominated W. L. Hawkins.

Mr. Roberts nominated A. W. Perley and D. S. Marston.  
The roll was called, with the following result :

| Names.           | Norton. | Cooper. | Perley. | Marston. |
|------------------|---------|---------|---------|----------|
| Banvard .....    | 1       | 1       | .....   | .....    |
| Beach.....       | .....   | .....   | 1       | 1        |
| Betge.....       | 1       | 1       | .....   | .....    |
| Burnett.....     | 1       | 1       | .....   | .....    |
| Chappell .....   | .....   | .....   | 1       | 1        |
| Comte .....      | 1       | 1       | .....   | .....    |
| Conn .....       | 1       | 1       | .....   | .....    |
| Curtis.....      | 1       | 1       | .....   | .....    |
| Farley .....     | 1       | 1       | .....   | .....    |
| Fowler .....     | 1       | 1       | .....   | .....    |
| Green .....      | .....   | .....   | 1       | 1        |
| Gwin .....       | 1       | 1       | .....   | .....    |
| Hager.....       | 1       | 1       | .....   | .....    |
| Hunter.....      | 1       | 1       | .....   | .....    |
| Hutchings .....  | 1       | 1       | .....   | .....    |
| Irwin .....      | 1       | 1       | .....   | .....    |
| Kincaid .....    | 1       | 1       | .....   | .....    |
| Larkin .....     | 1       | 1       | .....   | .....    |
| Lawrence .....   | 1       | 1       | .....   | .....    |
| Lewis.....       | 1       | 1       | .....   | .....    |
| Maclay .....     | 1       | 1       | .....   | .....    |
| Mandeville ..... | 1       | 1       | .....   | .....    |
| McDougall .....  | 1       | 1       | .....   | .....    |
| Minis .....      | 1       | 1       | .....   | .....    |
| Morrill.....     | 1       | 1       | .....   | .....    |
| Murch .....      | .....   | .....   | 1       | 1        |
| O'Connor.....    | 1       | 1       | .....   | .....    |
| Orr.....         | .....   | .....   | 1       | 1        |
| Pendegast .....  | 1       | 1       | .....   | .....    |
| Perkins.....     | .....   | .....   | 1       | 1        |
| Roberts .....    | .....   | .....   | 1       | 1        |
| Sanders .....    | 1       | 1       | .....   | .....    |
| Tompkins .....   | 1       | 1       | .....   | .....    |
| Turner .....     | .....   | .....   | 1       | 1        |
| Tweed .....      | .....   | .....   | 1       | 1        |
| Wand.....        | 1       | 1       | .....   | .....    |
| Wing .....       | .....   | .....   | 1       | 1        |

|                                 |    |
|---------------------------------|----|
| Whole number of votes cast..... | 37 |
| Necessary to a choice.....      | 19 |
| Mr. Norton received .....       | 27 |
| Mr. Cooper received.....        | 27 |
| Mr. Perley received.....        | 10 |
| Mr. Marston received.....       | 10 |

Messrs. Norton and Cooper having received a majority of all the vote cast, were declared duly elected Copying Clerks of the Senate.

## ASSISTANT CLERK AT THE DESK.

Mr. Morrill nominated E. Curtiss.

Mr. Roberts nominated George W. Dixon.

The roll was called, with the following result :

| Names.          | Curtiss. | Dixon. |
|-----------------|----------|--------|
| Barvard.....    | 1        | .....  |
| Beach.....      | .....    | 1      |
| Beige.....      | 1        | .....  |
| Burnett.....    | 1        | .....  |
| Chappell.....   | .....    | 1      |
| Comte.....      | 1        | .....  |
| Conn.....       | 1        | .....  |
| Curtis.....     | 1        | .....  |
| Farley.....     | 1        | .....  |
| Fowler.....     | 1        | .....  |
| Green.....      | .....    | 1      |
| Gwin.....       | 1        | .....  |
| Hager.....      | 1        | .....  |
| Hunter.....     | 1        | .....  |
| Hutchings.....  | 1        | .....  |
| Irwin.....      | 1        | .....  |
| Kincaid.....    | 1        | .....  |
| Larkin.....     | 1        | .....  |
| Lawrence.....   | 1        | .....  |
| Lewis.....      | 1        | .....  |
| Maclay.....     | 1        | .....  |
| Mandeville..... | 1        | .....  |
| McDongall.....  | 1        | .....  |
| Minis.....      | 1        | .....  |
| Morrill.....    | 1        | .....  |
| Murch.....      | .....    | 1      |
| O'Connor.....   | 1        | .....  |
| Orr.....        | .....    | 1      |
| Pacheco.....    | .....    | .....  |
| Perkins.....    | .....    | 1      |
| Roberts.....    | .....    | 1      |
| Saunders.....   | 1        | .....  |
| Tompkins.....   | 1        | .....  |
| Turner.....     | .....    | 1      |
| Tweed.....      | .....    | 1      |
| Wand.....       | 1        | .....  |
| Wing.....       | .....    | 1      |

Whole number of votes cast.....37

Necessary to a choice.....19

Mr. Curtiss received.....27

Mr. Dixon received.....10

Mr. Curtiss having received a majority of all the votes cast, was de-

clared duly elected Assistant Clerk at the desk of the Secretary of the Senate.

#### CONTESTED ELECTION.

The President presented a sealed package bearing the following indorsements :

To the Secretary of State, Sacramento, California: In the matter of the contested election of R. Pacheco, as Senator of the Third Senatorial District of the State of California; P. W. Murphy, contestant, vs. R. Pacheco, respondent. Received at the office of the Secretary of State, October twenty-seventh, eighteen hundred and sixty-nine. H. L. Nichols, Secretary of State.

#### ELECTION OF CHAPLAIN

Mr. Mandeville offered the following resolution :

*Resolved*, That the Rev. W. R. Gober be and he is hereby appointed Chaplain of the Senate, and that he be allowed the sum of five dollars per day, payable out of the Contingent Fund of the Senate.

Mr. Murch offered as a substitute the following :

*Resolved*, That the Rev. H. P. Gallagher be and he is hereby appointed Chaplain of the Senate, and that he be allowed the sum of five dollars per day, payable out of the Contingent Fund of the Senate.

On the adoption of the substitute, the ayes and noes were demanded by Messrs. Murch, Beach and Chappell.

The Senate refused to adopt by the following vote :

**AYES**—Messrs. Beach, Chappell, Green, Murch, Roberts, Turner and Wing—7.

**NOES**—Messrs. Banvard, Betge, Burnett, Comte, Conn, Curtis, Farley, Fowler, Gwin, Hagar, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, O'Connor, Pendegast, Saunders, Tompkins, Tweed and Wand—28.

The original resolution of Mr. Mandeville was then adopted.

#### LEAVE OF ABSENCE.

On motion of Mr. Beach, leave of absence for one day was granted to Mr. Orr.

#### POST-OFFICE PAGE.

The President announced the appointment by him of Master Samuel Hall as Post-office Page of the Senate.

At one o'clock and nine minutes P. M., on motion of Mr. Lewis, the Senate adjourned.

WILLIAM HOLDEN,

President of the Senat

Attest: JOSEPH ROBERTS, JR., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, December 8th, 1869. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called and quorum present.

Prayer by the Chaplain.

Mr. Chappell asked and obtained indefinite leave of absence for Mr. Conly.

The Journal of yesterday was read, and, on motion of Mr. Hager, so much thereof as relates to the paper presented by Mr. Farley, on yesterday, was stricken out.

On motion of Mr. Fowler, the Journal was amended by inserting Mr. Fowler's name instead of Mr. Mandeville, as placing Mr. Roberts in nomination for Secretary of the Senate.

On motion of Mr. O'Conner, the name of William M. Norton was amended so as to read George M. Norton.

The Journal, as amended, was approved.

Mr. B. D. Wilson, Senator elect from Los Angeles, come forward, presented his credentials and took the oath of office, administered by Hon. J. B. Crockett, of the Supreme Court.

Mr. Kaplan, Engrossing Clerk elect, came forward, took the oath of office and entered upon the discharge of his duties.

## COMMUNICATION.

The President of the Senate presented the following communication :

SACRAMENTO, December 8th, 1869.

*To the Honorable the Senate of California :*

The citizens of Sacramento desiring to commemorate the occupation of the new Capitol by a ball, complimentary to the State officers and members of the Legislature, on the fifteenth instant, to that end have appointed the undersigned a committee to communicate their wishes to you, and to solicit the use of your hall on the night of that day. Three P. M. will be as early as it will be necessary to receive your hall, and before ten A. M. on the sixteenth, it will be in readiness for your use. The committee of arrangements will have all the carpets covered with canvas, and see that the furniture is not injured.

FRANK POWELL,  
JAMES LANSING,  
J. F. MONTGOMERY,  
JOHN BIGLER,  
CREED HAYMOND,  
Committee.

## RESOLUTIONS.

Resolutions were introduced as follows :

By. Mr. Comte :

*Resolved* by the Senate, the Assembly concurring, That the use of the Senate and Assembly Chambers be tendered to the citizens of Sacramento, in accordance with a request this day made, on conditions that they cover the carpets and do no injury to the furniture.

On motion of Mr. Curtis, the resolution, was temporarily laid on the table.

By Mr. Maclay.

*Resolved*, That the Secretary of the Senate be directed to inform the Assembly that the Senate is now organized and ready to proceed with legislative business, with the following named officers :

|                                  |                                    |
|----------------------------------|------------------------------------|
| President pro tem.....           | E. J. Lewis.                       |
| Secretary.....                   | Joseph Roberts, Jr.                |
| Assistant Secretary.....         | B. A. Mardis.                      |
| Sergeant-at-Arms.....            | Nat. Boice.                        |
| Assistant Sergeant-at-Arms.....  | J. J. Thomas.                      |
| Minute Clerk.....                | J. B. Stevens.                     |
| Journal Clerk.....               | J. J. de la Guerra.                |
| Engrossing Clerk.....            | L. Kaplan.                         |
| Enrolling Clerk.....             | E. K. Phipps.                      |
| Assistant Clerk at the desk..... | Edward Curtiss.                    |
| Copying Clerks.....              | N. S. Cooper and George M. Norton. |
| Chaplain.....                    | Rev. W. R. Gober.                  |

Adopted.

By Mr. Green :

*Resolved*, That the Sergeant-at-Arms be directed to furnish each member with five daily newspapers, published in this State, or their equivalent in weeklies.

Adopted.

By Mr. Irwin :

*Resolved*, That Edward Curtiss, Assistant Clerk at the desk, be allowed the same per diem as Secretary of the Senate, payable out of the Contingent Fund of the Senate.

Adopted.

#### REPORT.

Mr. Lewis, from the Committee on Rules, made the following report

#### STANDING RULES OF THE SENATE.

#### OPENING OF THE DAILY SESSIONS.

#### 1.

The time of meeting of the Senate shall be eleven o'clock A. M. (Sundays excepted), and in case any other is named, it shall be applicable

only to one day, and shall not affect this rule beyond the day named for a different hour of meeting.

## 2.

The President shall call the Senate to order at the stated hour, and if a quorum be present, he shall order read the Journal of the proceedings of the preceding day.

## 3.

A President pro tem. shall be elected, who shall, in the absence of the President, take the Chair and call the Senate to order at the hour of the meetings of the Senate, and have the same power as the President; but the President pro tem. shall vote only as any other member of the Senate. When the Senate is equally divided, the Secretary shall take the decision of the President.

## DUTY OF MEMBERS TO GIVE ATTENDANCE.

## 4.

No member shall absent himself from the service of the Senate without leave first obtained. A less number than a quorum of the Senate are hereby authorized to send the Sergeant-at-Arms, or any other person, for any or all absent members, as the majority of such members present shall agree, at the expense of such absent members respectively, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient, and in that case the expense shall be paid out of the Contingent Fund; and this rule shall apply as well to the first convention of the Senate, at the legal time of meeting, as to each day of the session after the hour has arrived to which the Senate stood adjourned. The President, or acting President of the Senate, or of less than a quorum thereof, shall have the power to issue process, directed to the Sergeant-at-Arms, or any other person, to compel the attendance of members absent without leave. Any Senator who shall refuse to obey such process, unless sick and unable to attend, shall be deemed guilty of a contempt of the Senate, and the Sergeant-at-Arms, or other person to whom such process may be directed, shall have power to use such force as may be necessary to compel the attendance of such absent member, and for this purpose he may command the force of the county, or of any county in the State.

## ORDER OF BUSINESS.

## 5.

After the reading and approving of the Journal, the order of business shall be as follows:

1. Presentation of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Messages from the Assembly.

6. Second Reading and Commitment of Bills.
7. Introduction and First Reading of Bills.
8. Motions, Resolutions and Notices.
9. Business on the General File, and Third Reading of Bills.
10. Unfinished Business of the preceding day.
11. Special Orders of the Day.
12. Reports from the Committees on Enrolment and on Engrossment shall at all times be in order.

*Provided*, that messages from the Governor, State officers and from the Assembly, may, on motion of any Senator, be considered at any time.

## 6.

The General File shall be the special order for each day from twelve o'clock until two p. m., unless sooner disposed of; but no bill shall lose its place upon the file by expiration of the time, or by adjournment of the Senate while it is under consideration; and this order shall take precedence of all others.

## 7.

The Secretary shall post, each morning, in a conspicuous place, a list of all bills upon the general file, giving their order, and also setting forth their number, and so much of their title as necessary to enable Senators to understand their general purport.

## 8.

All questions relating to the priority of business shall be decided without debate.

## BILLS.

## 9.

If objection be made to the introduction of a bill, except on report of a committee, or on previous notice, it shall lie over one day, unless the Senate, by a two-thirds vote, direct otherwise.

## 10.

Every bill shall receive three readings previous to its being passed. The President shall give notice at each whether it be the first, second or third, which reading shall be on different days, unless the Senate, by a two-thirds vote, direct otherwise; *provided*, that upon the first reading of a bill, if no objection be made, it may, without delay, be read a second time by title, and be committed or placed on the general file. No bill shall be amended or committed until twice read.

## 11.

All bills, on a second reading, shall be considered by the Senate in the same manner as if the Senate was in Committee of the Whole, before they shall be taken up and proceeded on by the Senate, agreeably to the Standing Rules, unless otherwise ordered.



## 12.

All bills, amendments and resolutions, after being engrossed, in pursuance of the order of the Senate, shall be carefully examined and reported back by the Committee on Engrossed Bills, and when, by order of the Senate, any Senate bill shall have been considered engrossed and passed, it shall be the duty of said committee to cause the same to be correctly engrossed and reported to the Senate; the engrossed copy to be transmitted to the Assembly, with the proper indorsements, and the original retained by the Senate.

## 13.

All bills, after the second reading (if the same be not committed, but if committed, then upon being reported), and all matters reported from committees, shall be placed upon a general file, and shall be taken up for consideration and passage in the order of their being placed on file; *provided*, that engrossed bills shall take precedence of bills not engrossed.

## AMENDMENTS AND SUBSTITUTES.

## 14.

Substitutes may be offered at any time when a bill or resolution is open to amendment, previous to engrossment, and when adopted shall take place of the original bill or resolution, and shall be open to amendment,

## 15.

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment or substitute.

## 16.

In filling up blanks, the least sum or number and the shortest time shall be put first.

## 17.

When an amendment to the Constitution, or any bill requiring the concurrence of two-thirds of the Senators, is under consideration, the concurrence of two-thirds shall not be required to decide any question for amendments, or extending to the merits, being short of the final question.

## COMMITTEES.

## 18.

The following standing committees shall be appointed, who shall report back to the Senate all bills, resolutions, and other matters referred to them, within thirty days from the date of such reference, unless further time be granted by the Senate:

1. Committee on Claims, to consist of five members.
2. Committee on Finance, to consist of five members.
3. Committee on Judiciary, to consist of nine members.

4. Committee on Elections, to consist of five members.
5. Committee on Public Lands, to consist of five members.
6. Committee on Commerce and Navigation, to consist of five members.
7. Committee on Federal Relations, to consist of five members.
8. Committee on State Hospitals, to consist of five members.
9. Committee on Mines and Mining Interests, to consist of seven members.
10. Committee on State Prison and Prison Buildings, to consist of five members.
11. Committee on Education, to consist of five members.
12. Committee on State Library, to consist of three members.
13. Committee on Mileage, to consist of three members.
14. Committee on Counties and County Boundaries, to consist of five members.
15. Committee on Corporations, to consist of five members.
16. Committee on Agriculture, to consist of five members.
17. Committee on Public Printing, to consist of five members.
18. Committee on Roads and Highways, to consist of three members.
19. Committee on Contingent Expenses of Senate, to consist of five members.
20. Committee on Military Affairs, to consist of five members.
21. Committee on Public Expenditures, to consist of five members.
22. Committee on Public Morals, to consist of five members.
23. Committee on Engrossed Bills, to consist of six members.
24. Committee on Enrolled Bills, to consist of six members.
25. Committee on Internal Improvements, to consist of five members.
26. Committee on Swamp, Overflowed and Tide Lands, to consist of five members.
27. Committee on Public Buildings (other than prison buildings), to consist of five members.
28. Committee on State and County Revenue, to consist of five members.

19.

All committees of the Senate, and all joint committees on the part thereof, shall be appointed by the Senate.

20.

No committee, standing or special, shall elect a clerk or Sergeant-at-Arms without first obtaining the consent of the Senate.

21.

When a resolution shall be offered or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order:

1. The Committee of the Whole Senate.
2. A Standing Committee.
3. A Select Committee.

22.

No claim shall be paid out of the Contingent Fund of the Senate until the same shall have been referred to and reported on by the Committee on Contingent Expenses.

## ORDER.

## 23.

When a question is under debate, no motion shall be received but the following privileged questions, which shall have precedence in the following order :

1. To adjourn.
2. For a call of the Senate.
3. To lay on the table.
4. To postpone to a day certain.
5. To commit.
6. To amend.
7. To postpone indefinitely.

## 24.

No motion shall be debated until the same be seconded, and distinctly announced by the President; and it shall be reduced to writing if desired by the President or any member, and read by the Secretary before the same shall be debated. A motion may be withdrawn at any time before amendment.

## 25.

When the reading of a paper is called for (except petitions), and the same is objected to by any member, it shall be determined by a vote of the Senate, without debate. But this rule is not applicable to any bill, resolution, amendment or other proposition which may be at the time directly under consideration.

## 26.

Every Senator, when he speaks, shall, standing in his place, address the President, and when he has finished he shall sit down. No member shall speak more than twice in any one debate on the same day and at the same stage of the bill, without leave; and Senators who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of another who has not spoken.

## 27.

When two or more members rise at once, the President shall name the member who is to speak first.

## 28.

When a member shall be called to order he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any member. If the member be called to order for words spoken, the exceptional language shall immediately be taken down in writing.

## QUESTION.

29.

The final question upon the second reading of every bill originating in the Senate, and requiring three readings previous to being passed, shall be: "Shall it be engrossed and read a third time?" And no amendment shall be received for discussion at the third reading of any bill, but it shall at all times be in order before the final passage of any such bill to move its commitment under special instructions.

30.

The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by three Senators present, and its effect shall be to put an end to all debate and bring the Senate to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the Senate shall be in order; but after three Senators shall have seconded such motion, no call shall be in order prior to the decision of the main question.

31.

On a motion for the previous question, and under the previous question, there shall be no debate. And all incidental questions of order, arising after a motion is made for the previous question, (or while acting under the previous question), shall be decided, whether on appeal or otherwise, without debate.

32.

When the ayes and noes shall be called for by three members present, every member within the bar of the Senate at the time the question was put shall declare openly and without debate his assent or dissent to the question, unless he shall state that he has paired with an absent Senator, who differed with him upon the question. In taking the ayes and noes, and upon the call of the Senate, the names of the members shall be taken alphabetically. When the ayes and noes shall be taken upon any question, in pursuance of this rule, no member shall be permitted, under any circumstances whatever, to vote after the decision is announced from the Chair.

33.

When any member is absent without the bar of the Senate when his name is called on the call of ayes and noes on any vote about to be taken, his vote shall not be received unless unanimously agreed to by the members present, nor shall a member be counted, on a division of a vote, who is absent without the bar of the Senate without leave.

## RECONSIDERATION.

34.

When a question has been once put and decided, it shall be in order

for any member voting in the majority to move for the reconsideration thereof, and such motion shall take precedence of all other questions except a motion to adjourn; but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the Senate; nor after the usual message shall have been sent from the Senate announcing its decision; nor shall any motion for a reconsideration of a vote making a final disposition of any bill or resolution be made on the day on which the same was taken; nor shall any question be reconsidered more than once.

## 85.

No motion to reconsider shall be entertained at a later period than the next day of the actual session of the Senate after the vote to be reconsidered has been taken; nor then, unless notice of intention to move a reconsideration shall have been given by some Senator on the same day when such vote was taken; but when any vote shall be reconsidered the Senate may at the same time proceed to reconsider any previous vote or order in relation to the same bill or resolution without further notice. No notice of intention to move a reconsideration shall be given on the day next preceding the last day of the session.

## 86.

If a Senator gives notice that he intends to move a reconsideration, the Secretary shall not report the bill or resolution to the Assembly till the reconsideration is disposed of, or the time for moving the same has expired.

## JOURNAL.

## 87.

The titles of bills and such parts thereof only as shall be affected by proposed amendments shall be inserted in the Journal.

## 88.

The proceedings of the Senate, when not acting as Committee of the Whole, shall be entered on the Journal as concisely as possible, care being taken to record a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the Journal, and a brief statement of the contents of each petition, memorial or paper presented to the Senate shall also be inserted in the Journal.

## RULES.

## 39.

The rules of the Senate shall be observed in Committee of the Whole, so far as may be applicable, except limiting the number of times of speaking, and except that the ayes and noes shall not be taken.

In all cases not provided for by these rules the Senate shall be governed by the law and practice as laid down in Cushing's Law and Practice of Legislative Assemblies.

No rule shall be suspended without the concurrence of two-thirds of the members present, and no additional rule or amendment of a rule shall be made without giving at least one day's notice, and the concurrence of two-thirds of the members present; *provided*, that no rule requiring unanimous consent shall be suspended by operation of this rule.

#### POWERS OF THE PRESIDENT.

The rooms, passages and buildings set apart for the use of the Senate shall be under the control and direction of the President of the Senate, and he shall have the control and direction of the journals, papers, bills, etc., of the Senate; he shall see that all officers of the Senate perform their respective duties, and may assign places to reporters.

In case of a disturbance or disorderly conduct in the lobbies, the President (or Chairman of the Committee of the Whole Senate) shall have power to order the same to be cleared.

The President shall have the right to name any member to perform the duties of the Chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

#### SERGEANT-AT-ARMS.

A Sergeant-at-Arms shall be elected, to hold his office during the pleasure of the Senate, whose duty it shall be to attend the Senate during its sittings, to execute the commands of the Senate from time to time, together with all such process issued by authority thereof as shall be directed to him by the President. The actual expenses of the Sergeant-at-Arms for every arrest, for each day's custody and releasement, and for travelling expenses for himself and special messenger, going and returning, shall be paid out of the Contingent Fund, and no other fees shall be paid him beyond his pay per diem. It shall be the duty of the Sergeant-at-Arms to keep the accounts for pay and mileage of members, to prepare checks, and if required so to do, draw the money on such checks for the members (the same being previously signed by the President and indorsed by the member or person to whom the check is made), and pay over the same to the member or person entitled thereto.

**MESSENGERS.**

46.

Messengers are introduced in any state of business, except while a question is being put, while the ayes and noes are calling, or while the ballots are counting.

**DOORKEEPER.**

47.

It shall be the duty of the Doorkeeper to prohibit all persons except Senators, members of the Assembly, officers of the two Houses, and such Reporters as have seats assigned them by the President, from coming within the bar of the Senate, unless invited by the Senate through the President, and to arrest for contempt all persons outside the bar or in the gallery found engaged in loud conversation, or otherwise making a noise to the disturbance of the Senate.

**EXECUTIVE NOMINATION.**

48.

When nominations shall be sent by the Governor to the Senate for their confirmation, the same shall not be acted on upon the day upon which they are received.

**PRINTING.**

49.

No bill or other matter shall be printed without first being specially ordered by the Senate, and the Sergeant-at-Arms shall certify to the reception by the Senate of all such printed matter and the quantity, before payment shall be made or bills audited; and maps accompanying documents shall not be printed under the general order to print without the special direction of the Senate.

50.

Two hundred and forty (240) copies shall be printed of each document or other matter ordered, unless the Senate specially direct a different number.

**SECRET SESSION.**

51.

On a motion made and seconded to close the doors of the Senate on the discussion of any business which may, in the opinion of the Senate, require secrecy, the President shall require all persons, except the members, Secretaries, Sergeant-at-Arms and Doorkeeper of the Senate, to withdraw, and during the discussion of said motion the doors shall remain closed; and every member and officer of the Senate shall keep secret all such matters, proceedings and things whereof secrecy shall be enjoined by order of the Senate.

## JOINT RULES OF THE SENATE AND ASSEMBLY.

## 1.

In every case of an amendment of a bill agreed to in one House, and dissented from in the other, if either House shall request a conference, and appoint a committee to confer, the other House shall appoint a like committee; and such committee shall meet at a convenient hour, to be agreed upon by their respective Chairmen, and shall confer upon the differences between the two Houses, and shall report as early as convenient the result of their conference to their respective Houses for their action.

## 2.

When a message shall be sent from either House, it shall be announced at the door by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

## 3.

Messages shall be sent by the Secretary, Clerk, or by such person as a sense of propriety of each House may determine to be proper.

## 4.

Notice of the action of either House to the other shall be on paper, and under the signature of the Secretary or Clerk of the House from which such notice is to be conveyed.

## 5.

After a bill shall have passed both Houses, it shall be duly enrolled by the Enrolling Clerk of the Assembly or of the Senate, as the bill may have originated in the one or the other House, and shall first receive the signature of the presiding officer and Clerk or Secretary of the House in which it emanated, before it shall be presented to the Governor of the State.

## 6.

When bills are enrolled, they shall be examined by the Enrolling Committee of the House in which they originate, who shall carefully compare the enrolment with the engrossed bill, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled bill, make their report forthwith to the House in which the bill originated, stating by whom such bill was examined.

## 7.

After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

## 8.

After a bill shall have thus been signed in each House, it shall be presented by the Enrolling Committee of the House in which it originated to



the Governor of the State, for his approval (it being first indorsed on the back of the roll by the Secretary or Clerk, as the case may be, certifying in which House the bill originated). The said committee shall report the day of presentation to the Governor, which time shall be carefully entered on the Journals of the House in which the bill originated.

9.

All orders, resolutions and votes, which are to be presented to the Governor of the State for his approbation, shall also, in the same manner, be previously enrolled, examined and signed, and shall be presented in the same manner and by the same committee as provided in the case of bills.

10.

When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his audience chamber, by the President of the Senate, in the presence of the Speaker and both Houses.

11.

When a bill or resolution which shall have passed in one House, is rejected by the other, notice thereof shall be given to the House in which the same shall have passed.

12.

When a bill or resolution which has been passed in one House, shall be rejected in the other, it shall not be brought in during the same session without a notice of five days, and leave of two-thirds of that House in which it shall be renewed.

13.

Each House shall transmit to the other, papers on which any bill or resolution shall be founded.

14.

After each House shall have once adhered to their disagreement, a bill or resolution shall be lost

15.

No bill or resolution that shall have passed the Assembly and Senate shall be presented to the Governor for his approval on the last day of the session.

16.

No appropriations of money, for any purpose whatever, shall be made except by bill.

17.

Each House may order the printing of bills introduced and reports of its own committees, but no other printing shall be ordered except by a concurrent resolution passed by both Houses.

There shall be a Joint Standing Committee of three from each House, who shall examine all matter proposed to be printed by concurrent order, and shall report what part of such matter it is needful to print.

No spirituous liquors shall be offered for sale or introduced within any portion of the building which is used for State purposes, or is under the control of this Legislature.

No increase in the pay of any officer or attaché of the Senate or Assembly shall be made by resolution, except by unanimous consent.

All concurrent or joint resolutions, which relate to or contain communications to the Federal Government, shall be treated in all respects as bills.

On motion of Mr. Farley, rule number thirty-two was amended by striking out the words "under any circumstances," and inserting in lieu thereof "unless by consent of the Senate."

The rules reported by the Committee, as amended, with the exception of rule number nineteen, were then adopted.

Mr. Lewis introduced the following:

**RULE No. 19.**—All committees of the Senate, and all joint committees on the part thereof, shall be appointed by the President.

**Adopted.**

#### **BILL INTRODUCED.**

Mr. Hager had leave to introduce the following bill:

An Act amendatory to an Act entitled an Act to provide additional revenue for the School Department of the City and County of San Francisco, and to change the time and manner of electing the Superintendent of Public Schools of said city and county, approved March thirtieth, eighteen hundred and sixty-eight.

Read a first time by title.

Mr. Roberts raised objections to the second reading of the bill.

The rules were then suspended and bill read a second time by title.

Mr. Hager moved to consider the bill engrossed and place it upon its third reading, whereupon Messrs Roberts, Tweed and Murch demanded the ayes and noes, and the Senate so ordered, by the following two-thirds vote:

**AYES**—Messrs. Banvard, Betge, Burnett, Comte, Conn, Curtis, Fowler, Gwin, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, McDougall, Minis, Morrill, O'Connor, Pendegast, Perkins, Saunders, Thompson, Wand and Wilson—27.

**NOES**—Messrs. Beach, Chappell, Farley, Green, Murch, Roberts, Turner, Tweed and Wing—9.

Mr. Farley moved to reconsider the vote just taken.

The President ruled that a motion to reconsider a vote could not be acted upon on the same day the vote was taken.

The rules were then suspended, bill considered engrossed, read a third time and passed.

Mr. Hager moved to transmit the bill to the Assembly, immediately on receipt of their organization.

Carried.

#### RESOLUTIONS.

Mr. Curtis had leave to introduce the following resolution :

*Resolved*, That one week's pay and mileage be and the same is hereby allowed to each officer and attaché of the last Senate who has been in attendance and assisted in the organization of the present Senate, payable out of the Contingent Fund of the Senate.

Mr. Beach offered the following amendment which was accepted :

"And the Controller is hereby authorized to draw his warrants on the Treasurer therefor."

The resolution as amended was then adopted.

On motion of Mr. Comte, Senate Concurrent Resolution No. 1, relative to tendering the use of the Senate and Assembly Chambers to the citizens of Sacramento, was taken from the table and adopted.

Mr. Curtis had leave to introduce a concurrent resolution instructing the Sergeant-at-arms of each house to deliver to the State Librarian ten copies of all printed documents, bills and files of either House.

Adopted.

By Mr. Pendegast :

*Resolved*, That the Sergeant-at-Arms be directed to furnish each Senator, the Lieutenant-Governor, the Secretary of the Senate and the Sergeant-at-Arms with twenty-five dollars' worth of postage stamps or express envelopes, to be paid out of the Contingent Fund of the Senate.

Adopted.

Mr. Hunter asked and obtained indefinite leave of absence for Mr. Mandeville.

Mr. Pendegast was granted leave of absence for one day.

#### APPOINTMENTS.

The President announced the following appointments :

Master Henry Clem is hereby appointed Paper Folding Page, and Master Richard Edwards one of the Floor Pages.

#### RESOLUTION.

Mr. Curtis had leave to introduce the following resolution :

*Resolved*, That the Sergeant-at-Arms of the Senate be authorized to appoint a Clerk, who shall receive the same per diem as the Copying Clerks, payable out of the Contingent Fund of the Senate.

Adopted.

At twelve o'clock and fifty minutes, P. M., on motion of Mr. Farley, the Senate took a recess for ten minutes.

#### RE-ASSEMBLED.

The Senate was called to order at one o'clock.

President in the Chair.

Quorum present.

#### PARTIAL REPORT.

Mr. Minis presented a report from the Commissioners appointed to examine into the practicability of making a new outlet for the flood waters of the Sacramento Valley.

[For report, see Appendix.]

On motion of Mr. Minis, the whole subject matter was referred to a joint committee of eight (three from the Senate and five from the Assembly), and ordered printed.

#### RESOLUTION.

Mr. Morrill introduced a concurrent resolution relative to the appointment of a joint committee of three from each House, to wait on his Excellency, Governor H. H. Haight, and inform him of their organization, and readiness to proceed to business.

Adopted.

In accordance with the foregoing resolution, the President appointed Messrs. Morrill, Farley and Tompkins on the part of the Senate.

At one o'clock and twenty-eight minutes, P. M., on motion of Mr. Curtis, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Thursday, December 9th, 1869. }

Senate met pursuant to adjournment.  
President in the Chair.  
Roll called and quorum present.  
Prayer by the Rev. O. P. Fitzgerald.  
Journal of yesterday read and approved.

## COMMITTEES.

The President announced the appointment of the following committees :

## ON ENROLLMENT.

Messrs. Morrill, Mandeville, Burnett, Hunter, Murch and Conly.

## ON ENGROSSMENT.

Messrs. O'Connor, Saunders, Wand, Wilson, Chappell and Irwin.

## ON ELECTIONS.

Messrs. Mandeville, Lewis, Pendegast, Maclay and Turner.

## ON MILEAGE.

Messrs. Kincaid, Larkin and Wing.

## REPORT.

Mr. Morrill, from the joint committee appointed to wait upon his Excellency, the Governor, and inform him of the organization of the Legislature and its readiness to proceed with business, made the following report :

MR. PRESIDENT: The special committee appointed to wait on the Governor and inform him of the organization of the Legislature have discharged the duty assigned them, and report that his Excellency will send in his biennial message at half past eleven o'clock of this day.

MORRILL,  
TOMPKINS,  
FARLEY,  
Senate Committee.

GILDEA,  
BIGGS,  
RYAN,  
Assembly Committee.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
December 9th, 1869. }

MR. PRESIDENT: I am instructed to inform the Senate that the Assembly has completed its organization by the election of the following officers:

|                                 |                  |
|---------------------------------|------------------|
| Speaker.....                    | Geo. H. Rogers.  |
| Speaker pro tem.....            | Chas. Gildea.    |
| Chief Clerk.....                | Robert Ferral,   |
| Assistant Clerk.....            | Joshua Moffet.   |
| Sergeant-at-Arms.....           | Dana Perkins.    |
| Assistant Sergeant-at-Arms..... | J. M. Shannon.   |
| Minute Clerk.....               | N. Benedict.     |
| Enrolling Clerk.....            | D. F. Beveridge. |
| Engrossing Clerk.....           | F. Fisher.       |
| Journal Clerk.....              | A. L. Henshaw.   |
| Copying Clerk.....              | J. C. Edwards.   |
| Copying Clerk.....              | T. D. Murphy.    |
| Chaplain.....                   | Rev. — Johnson.  |

And am further directed to inform your honorable body that the House is now ready to proceed with legislative business.

JOSHUA MOFFET,  
Assistant Clerk.

## INTRODUCTION OF BILLS.

Bills were introduced, without notice, as follows:

By Mr. Roberts—An Act to repeal an Act entitled an Act to prohibit the carrying of concealed weapons, approved April twenty-seventh, eighteen hundred and sixty-three.

By Mr. Lawrence—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, passed May seventeenth, eighteen hundred and sixty-one.

Also, an Act concerning foreign corporations.

The bills were severally read a first and second times, and placed on file.

By Mr. Curtis—An Act in relation to the common schools of the City of Sacramento.

Read first and second times, and referred to the Sacramento delegation.

By Mr. Betge—An Act to regulate amusements.

Read first and second times, placed on file, and two hundred and forty copies ordered printed.

By Mr. Wand—An Act to provide and pay for services rendered for the City and County of San Francisco.

Read first and second times and placed on file.

## MOTIONS, RESOLUTIONS AND NOTICES.

Resolutions were introduced as follows:

By Mr. Lawrence:

**Resolved**, That the Sergeant-at-Arms be required to furnish the reporters of the press with such stationery as they may require.

**Adopted.**

Romualdo Pacheco, Senator elect from San Luis Obispo and Santa Barbara Counties, came forward, presented his credentials, and took the oath of office, administered by Chief Justice Sawyer, of the Supreme Court.

Mr. Curtis introduced the following resolution :

**Resolved**, That the Sergeant-at-Arms be and he is hereby authorized to receipt to the Controller of State for all warrants for per diem and mileage of the Lieutenant-Governor and members of the Senate, and for the per diem of officers and attachés of the Senate.

**Adopted.**

Mr. Pendegast gave notice that he would, at an early day, introduce a bill to secure uniformity of ballots in elections.

Mr. Murch introduced a concurrent resolution instructing the Secretary of the Senate and Chief Clerk of the Assembly to have the numbers and titles of all bills on the general file of their respective Houses printed daily, and instructing the Sergeant-at-Arms to have the same distributed on the desks each morning.

**Adopted.**

Mr. Wand gave notice that on to-morrow he would introduce a bill to amend an Act to regulate proceedings in civil cases in the Courts of this State.

Also, of a bill to authorize certain parties to construct a street railroad in the City of San Francisco.

Mr. Tweed gave notice of the introduction of the following bills :

An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one.

Also, an Act to amend an Act entitled an Act concerning divorces, passed March twenty-fifth, eighteen hundred and fifty-one.

Also, an Act to amend an Act entitled an Act regulating marriages, passed April twenty-second, eighteen hundred and fifty.

Also, an Act to amend an Act entitled an Act concerning wills, passed April tenth, eighteen hundred and fifty.

Also, an Act to amend an Act entitled an Act concerning attorneys and counsellors at law, passed February nineteenth, eighteen hundred and fifty-one.

Also, an Act for the better protection of the rights of married women.

Mr. Lawrence introduced a concurrent resolution relative to the appointment of a joint committee of five, two from the Senate and three from the Assembly, to survey and locate a passable and safe route connecting the Capitol building with the habitable portions of this city, with instructions to report as early as Monday next as to the feasibility or possibility of having the route properly lighted ; also, as to the cost of the same and the appropriation, if any, required to carry into effect the necessary improvements.

Read and referred to the Sacramento delegation.

On motion of Mr. Roberts, the Senate took up the Governor's message.

## GOVERNOR'S MESSAGE.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, December 9th, 1869.

*To the Senate of the State of California :*

I herewith transmit to your honorable body my first biennial message, with accompanying documents.

As there is but one copy of the latter, I respectfully ask that the Assembly be informed of their receipt.

H. H. HAIGHT,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
December 8th, 1869.

GENTLEMEN OF THE SENATE AND ASSEMBLY :

The Constitution makes it the duty of the Executive to communicate to the Legislature, at each session, the condition of the State, and to recommend such matters as he may deem expedient.

Before proceeding to the discharge of this duty, allow me to congratulate you upon the general prosperity which has prevailed since the close of last session. The seasons have been propitious; crops have been abundant; labor has been well rewarded; agriculture, commerce and manufactures have flourished; facilities of travel and transportation have been increased, and there seems to be no drawback upon the satisfaction with which we may contemplate our progress during the past two years. Within that time the great continental railroad has been pressed to completion, and furnishes a safe, comfortable and expeditious thoroughfare between California and the States east of the mountains. Its completion has occasioned heartfelt rejoicing throughout California, whose citizens for the past twenty years have suffered in every way by their isolation from the Atlantic States and Europe.

## FINANCIAL CONDITION.

The accompanying reports of the Controller and Treasurer present a statement of the transactions of their offices during the nineteenth and twentieth fiscal years, and of the financial condition of the State on the first day of November, eighteen hundred and sixty-nine. The total funded debt of the State on the first day of December, eighteen hundred and sixty-seven, was stated by my predecessor at five million one hundred and twenty-six thousand five hundred dollars (\$5,126,500). The present funded debt is four million and sixty-eight thousand dollars (\$4,068,000). This is exclusive of outstanding warrants upon the Capitol Fund, more particularly referred to hereafter. Of this amount, nine hundred and sixty thousand five hundred dollars (\$960,500) of bonds are held by the State for School Fund.

The various classes of outstanding bonds which make up the funded debt will appear by reference to the Controller's report. The total receipts from all sources, during the fiscal year ending June thirtieth, eighteen hundred and sixty-nine, were two million nine hundred and



sixty-one thousand seven hundred and sixty-six dollars and eighty-four cents (\$2,961,766 84). The total disbursements during the same year were two million nine hundred and fifteen thousand nine hundred and thirty-four dollars and one cent (\$2,915,934 01).

The reduction by the Legislature at its last session, of the rate of taxation for State purposes, from one dollar and thirteen cents (\$1 13) to ninety-seven (97) cents on each one hundred dollars of taxable property, afforded to the General Fund but twenty-two and one-half (22½) cents upon each one hundred dollars.

This rate would not have been so inadequate to furnish sufficient funds for the current expenditures of the State Government, but for the loss of about eighty thousand dollars (\$80,000) foreign miners' license tax, granted at the last session to the mining counties, and about thirty thousand dollars (\$30,000) lost to the revenue by a judicial decision adverse to the validity of the passenger stamp tax. Even had these two sources of revenue been retained, the increasing expenses of maintaining our public institutions would have rendered the rate of taxation for General Fund purposes too low. The rate recommended by the Controller is twenty-five and one-half cents for General Fund, which is doubtless the lowest rate needed for the next two fiscal years. It must be recollected that the extinguishment of our funded debt (which will occur within five years, at the present rate of redemption), and the completion of the State Capitol, will relieve the property of the State from fifty-seven and one-quarter (57¼) cents on each one hundred dollars, so that if the State had been out of debt and its public buildings completed, the rate of taxation last year would have been but thirty-nine and three-quarters (39¾) cents on each one hundred dollars, instead of ninety-seven (97) cents, and this includes eight (8) cents for interest on Central Pacific Railroad Bonds and eight (8) cents for School Fund, in addition to the military tax of one and a quarter (1¼) cents. The rate of taxation for general purposes will probably not need to be increased beyond twenty-five and one-half (25½) cents, because, with a fair and equal valuation of property, the increase of the assessment roll, as the State progresses in wealth and population, ought to furnish a large enough increase in the amount of money needed for the general expenses of the State Government. In this connection I cannot refrain from urging an adherence to the policy of economy in expenditures and reduction of indebtedness, which is so clearly demanded by the people of the State. In every point of view it is desirable to lessen the burdens of taxation, and it is quite clear that this can only be done in those taxes levied to meet the interest and principal of the State debt. The current expenditures of the State Government must increase as the State advances in population; our admirable school system must be developed and maintained; an efficient militia system is indispensable as a security for the enforcement of the laws and the preservation of public order, and a large expenditure for public buildings, for prison, asylums and other purposes, is unavoidable; but by the payment of our public debt the rate of taxation can be reduced one-half, and still all these necessary objects can be provided for. Nothing more promotes the general prosperity or constitutes a stronger attraction to the immigration of a farming population than exemption from debt and light public burdens. Our financial and industrial future seems to be unclouded, if the policy heretofore pursued in this regard is wisely adhered to.

### EQUALIZATION OF ASSESSMENTS.

The subject of equalizing assessments has occupied much public attention during the past two years. It is manifest that the constitutional requirement of uniformity and equality of taxation is a dead letter, so long as property is valued by the Assessor in one county at one-sixth or one-tenth of its value and in another county at one-half or two-thirds. Some remedies for this evil are suggested by the Controller, and among them is a constitutional amendment making the Assessor hold by appointment instead of election. The propriety of this is apparent. The Assessors should also be obliged to make a return, under oath, that they have used due diligence to ascertain the market value of the property assessed, by inquiry and comparison, and that they have valued it in the assessment roll at a certain proportion of its actual market value, say two-thirds, which would allow a deduction of one-third for fluctuation and depreciation.

I do not fully share the distrust which the Controller expresses, of the practicability and efficiency of a State Board of Equalization. It seems to me that the functions of such a Board might be so arranged as not to involve any large expenditure or complicated machinery. If it were only a Board of inquiry and supervision it would be valuable, but it might doubtless be clothed with useful power to enforce changes in valuations. It would occupy too much space to suggest the details of a law for this purpose, which would be in harmony with the constitution and at the same time be efficient. The subject is one of great importance and cannot be too earnestly commended to your attention.

### SECRETARY OF STATE.

The report of the Secretary of State gives all needful information respecting the business of his office. The additional duty imposed upon him, in providing furniture for the new Capitol, had not been completed at the date of his report, so as to present an exact statement of expenditures. This will be laid before you early in the session.

### ATTORNEY-GENERAL.

The report of the Attorney-General will give you information respecting the civil and criminal business in his hands, and the litigations now pending.

The labors of this officer have been rendered more onerous and responsible during the past two years by the enactments of the last session, and the novel and perplexing questions constantly arising under conditions and legislation in many respects differing from those of older States.

### SURVEYOR-GENERAL.

The report of the Surveyor-General contains much statistical information in reference to the agricultural products of the State, the area of State lands sold, and the number of acres remaining unsold.

Our land system seems to be mainly framed to facilitate the acquisition of large bodies of land by capitalists and corporations, either as donations or at nominal prices. It is to be regretted that land granted by Congress to railroad corporations had not been subject to continued pre-emption by settlers, giving to the corporation the proceeds at some

fixed price; and it would probably have been much better for the State and country if the public lands had never been disposed of, except to actual settlers under pre-emption laws, with the qualification last referred to, in the case of railroads. As it is, our system in California is in a confused, loose and unsatisfactory condition, productive of much difficulty and litigation. Numbers who purchased from the State, lands sold as swamp and overflowed, find their farms claimed under the railroad grants and themselves involved in expensive contests before Registers of Land Offices.

It is due to this meritorious class of citizens that the State should do everything in its power to protect them in their rights. It might be of service to ask Congress to pass an Act recognizing titles made by the State to lands sold as swamp and overflowed, and making the State sale conclusive as to the character of the land sold.

The survey and sale of the mineral lands is recommended by the Surveyor-General, and also the withdrawal of all the public lands from private entry and their sale to actual settlers only.

The subject of the reclamation of swamp and overflowed lands is also referred to by the Surveyor-General. It is currently stated that application will be made to the Legislature to provide some system of drainage, by means of a canal, for the purpose of reclaiming these lands. There is little doubt that a large area of these lands could be reclaimed by means of a canal, which would facilitate the discharge of the surface waters and the putting in crops earlier in the season. If any system of this nature is adopted, the cost of the work should be assessed upon the lands sought to be reclaimed, and the State ought not to be made a party to the expenditure, either as principal or guarantor. There is certainly no propriety in taxing the people of the coast and mountain counties to reclaim private property in the Sacramento Valley. These lands, if reclaimed, would be the richest in the State, and they should bear the cost of their own reclamation.

It is desirable that some legislation should be had to prevent the indiscriminate snaring and killing of small birds, which are so useful to the farmer in the destruction of insects. Upon the continent of Europe extraordinary measures are being adopted to protect and propagate varieties of small birds, the slaughter of which has been going on in this State for some years, to the great detriment of agriculture.

The subject of protecting the different varieties of fish in our rivers and mountain lakes, and stocking these waters with new varieties, is also worthy of your attention. Many valuable varieties of fish from Eastern waters could be introduced and multiplied here at a small expense. This subject is exciting much interest in many of the States east of the mountains.

#### COMMON SCHOOLS.

An efficient system of common schools for the education of the children of the State is felt by all to be of primary importance. The constant improvement of our system will be apparent from the report of the Superintendent of Public Instruction, herewith transmitted, and cannot be otherwise than gratifying to all who realize the intimate connection that exists between popular education and free institutions.

No people can successfully work out the great problem of popular Government without a thorough system for the elementary instruction of all classes. This is well understood in this State, and there is no one

of our public institutions more cherished by the people than our system of common schools, separated as it is alike from sectarian and partisan influence.

The Superintendent has devoted himself to the development of the system with commendable activity and zeal, during the past two years, and the progress made will be apparent from his report.

The whole number of children in the State between the ages of five and fifteen years is one hundred and twelve thousand seven hundred and forty-three (112,743), of which number one hundred and ten thousand six hundred and forty-two (110,642) are white, eight hundred and thirty-eight (838) negro, and one thousand two hundred and sixty-three (1,263) Indians under the guardianship of white persons.

The number under five years of age is fifty-seven thousand nine hundred and eighty-three (57,983), making the total number under fifteen years of age, one hundred and seventy thousand seven hundred and twenty-six (170,726), against one hundred and forty-nine thousand three hundred and six (149,306), two years ago.

The number in attendance at the public schools during the present year was sixty-seven thousand eight hundred and thirty-four (67,834); at private schools, sixteen thousand two hundred and seventy-three (16,273), and twenty-five thousand four hundred and sixty-four (25,464) have not attended any school. In eighteen hundred and sixty-seven, the number reported as in attendance upon the public schools was fifty-four thousand seven hundred and twenty-six (54,726); upon private schools, fourteen thousand and twenty-six (14,026), and upon no school, twenty-four thousand four hundred and eleven (24,411). The number of schools during the present year was one thousand three hundred and fifty-four (1,354), in which one thousand six hundred and eighty-seven (1,687) teachers were employed, of whom seven hundred and twenty-six (726) were male and nine hundred and sixty-one (961) female.

The number of schools reported in eighteen hundred and sixty-seven was one thousand and eighty-three (1,083) and of teachers, one thousand three hundred and eighty-nine (1,389), showing an increase since that year of two hundred and seventy-one (271) schools and two hundred and ninety-eight (298) teachers. The number of new school-houses built this year and last is two hundred and fifty-nine (259), which, added to six hundred and sixteen (616), the number reported in eighteen hundred and sixty-seven, makes the total number of school-houses eight hundred and seventy-five (875), and the amount expended the present year is one million two hundred and ninety thousand four hundred and forty-four dollars and seventy-seven cents (\$1,290,444 77), against one million one hundred and sixty-three thousand three hundred and forty-eight dollars and eighty-one cents (\$1,163,348 81) in eighteen hundred and sixty-seven. These figures show constant progress, and give promise of more perfect development. The teachers of the State are believed to be, as a body, not inferior, in qualifications and devotion to their important work, to those of any of the older States.

As has already been stated, there are bonds to the amount of nine hundred and sixty thousand five hundred dollars (\$960,500) in the School Fund. The present rate of redemption will in a short time cancel a considerable portion of these bonds and leave in the School Fund a large amount of money not invested, and consequently drawing no interest, unless authority is conferred upon the Board of Examiners or some officer to invest these funds in Federal or other specified public securities. Some legislation should be had upon this subject at this session.

## MILITIA.

The report of the Adjutant-General gives a statement of the present strength of the State military, and contains some suggestions for increasing its efficiency. The observations in the report as to the necessity of an efficient State militia are just.

As a security against disorder and a guaranty for the enforcement of the laws, its importance cannot well be over-estimated. The tax of one and a quarter cents will not furnish sufficient funds for the current expenses of the companies. The uniforms are worn out and need to be replaced, and the arms in use should be exchanged for those of modern pattern. The allowance for artillery companies is much too low. It is not reasonable to expect that patriotic citizens, who expend their time in this service, will also incur a heavy personal expense.

I concur in the opinion that a State Armory is indispensable for the proper care and preservation of arms and equipments. Much expense and loss have been incurred for the want of one heretofore.

Most of the companies at present in service are in a creditable state of discipline and efficiency, and a liberal policy in respect to allowances and exemptions ought to be adopted toward those who give so much of their time and efforts for the public benefit.

## STATE PRISON.

At the last session of the Legislature a tax of three (3) cents upon each one hundred dollars of taxable property was levied, to provide funds for the erection of a suitable shop building, for the profitable employment of the labor of the convicts in the State Prison. The amount realized from this source was about fifty-eight thousand dollars (\$58,000), and, with this and other resources, the Directors have been able to erect and complete an excellent, substantial and commodious shop building, sixty feet wide by two hundred and fifty-four feet long, and four stories and a half in height, in every respect well adapted for the purpose, besides making some necessary repairs upon the other buildings. Those who have examined the building pronounce it superior to any one used for a similar purpose in the Eastern prisons.

The discipline of the prison and the condition of the convicts have been undergoing steady improvement during the past two years. Within that period gambling by the convicts has been effectually prevented and a school established for the instruction of such as are disposed to make some effort to learn to read and write. The desire to learn manifested by a large number, and the progress made, have been gratifying. In this and other matters the Board and the prisoners are much indebted to the judicious and self-denying labors of Rev. Dr. W. T. Lucky and others, who have coöperated with the officers of the prison. The present Board have also introduced the system of advertising for bids for prison supplies, instead of purchasing them at private sale, and have found it to work satisfactorily.

A detailed statement of receipts and expenditures for the past two years will be found in the report of the Prison Directors, which may be delayed so as to include the month of November.

It has been the earnest endeavor of the Board of Directors to make the prison more reformatory in its character, and at the same time reduce the excess of expenditures over receipts so as to lessen the

amount annually required for its support. Owing, however, to the confusion incident to the erection of a large building in the prison yard and the loss for nearly twelve months of shop room, together with the increase of prisoners, not much has been accomplished in the latter direction, beyond paving the way for better results in future.

The annual deficiency of earnings to meet expenditures for the past four years has been between seventy and eighty thousand dollars. This deficit will be materially reduced during the next two years by increased receipts from prison labor, and the Directors hope to be able within that time to bring it down to a sum not much beyond fifty thousand dollars. The prison, however, can never be what it should be, either in economy of management or in discipline and reformatory influence, until the present system is exchanged for one demonstrated by experience to answer the desired ends. The present system places the prison in the charge of officers subject to change every four years, with the Lieutenant-Governor as Warden. The second executive officer in the State, who is *ex officio* President of the Senate, has devolved upon him duties as widely distinct as can well be imagined. It is the unanimous opinion of the Board of Directors that the system should be radically changed; that the Lieutenant-Governor should be relieved of the immediate charge of the prison, and the system known as the "Irish prison system," which is regarded as superior to any other, introduced, with some necessary modifications, under the supervision of a Board of Commissioners, composed of gentlemen who, from motives of philanthropy, would serve without other pay than their travelling expenses, and who should appoint a Warden to serve during good behavior. The Warden of a prison should, if possible, be a man with peculiar natural aptitude for the position, who holds by so fixed a tenure as to made the management of convicts and of the prison his permanent occupation.

The Irish system unites kindness with sufficient severity, substitutes confinement for corporal punishment, and establishes a system of marks and rewards for meritorious conduct, which results in many cases in permanent reform.

This system, as necessarily modified, requires two prisons—a primary one, with cells for solitary confinement, where prisoners are first confined for a period of eight months (more or less, according to conduct), and a secondary one, with shop buildings arranged as at San Quentin.

It is the judgment of the Board of Directors that both of these prisons can be in all respects most advantageously located and managed at San Quentin, and that suitable cell buildings be constructed there. After much deliberation and investigation, it is the opinion of the Board that it is inexpedient to establish a branch prison elsewhere at present, and that the proper officer should be authorized to reconvey to the donors the tract of land at Folsom heretofore donated to the State for this purpose. I recommend, therefore, that provision be made for the appointment of a Board of Commissioners of five or more persons, who shall be charged with the supervision of the prison, the appointment of the Warden (the latter to serve during good behavior), one Commissioner to retire every other year, and the subordinate officers of the prison to be appointed by the Warden. The cell buildings heretofore constructed at San Quentin must be replaced by secure stone buildings, those built in eighteen hundred and sixty-six being unsuitable for the confinement of any except Chinese convicts, and not very secure even for those. It is a duty of humanity, as well as the dictate of interest, to do all in our power for the establishment of a humane and economical prison system,

and this can best be accomplished by establishing the one above indicated, and erecting such cell buildings as are required to make that system efficient.

The controversy respecting the title to the prison grounds at San Quentin has been settled, as stated in the report of the Attorney-General. In the necessity and propriety of the settlement made, the Board of Directors unanimously concurred.

#### INSANE ASYLUM.

The reports of the Resident Physician and Directors of the Insane Asylum present a statement of the operations of that institution during the past year. It is melancholy to observe the great increase of patients in the Asylum, numbering now nine hundred and twenty (920) against eight hundred and fifty-three, two years ago. This increase was larger than was anticipated at the last session, when the appropriation was made for its support, and has aided to swell the deficiency in the amount then allowed. Another cause, however, for this deficiency, is found in the fact that the estimates were predicated upon the removal of two hundred (200) incurable insane patients, as provided in a bill which passed both houses, but which upon examination presented such cogent objections, on the score both of economy and humanity, that I felt compelled to withhold my approval. The result was to leave in the Stockton Asylum two hundred (200) patients more than were estimated for. The Board of Directors have managed its affairs with prudence and fidelity, and the deficiency in the amount received, to meet expenditures, was unavoidable. The amount of the appropriation for the support of the Asylum, made at the last session, was also practically reduced twelve thousand dollars (\$12,000), by making the salaries of the Resident and Assistant Physician payable out of the amount appropriated for support of the Asylum, instead of making them payable out of the General Fund. In order to provide means for the payment of the salaries of the employees, and to enable the Directors to purchase supplies at cash prices, application was made by them, with my concurrence, to the officers of the Bank of California, for a loan of thirty thousand dollars (\$30,000), which amount was advanced by the bank and is repayable with interest. I desire to express my sense of the courtesy and public spirit which led the officers of the bank to accede to the request for this loan, and ask the Legislature to place the Directors in funds by a deficiency bill, so that it may be repaid at the earliest moment. The reports referred to are commended to the careful perusal of the Legislature. The support of the insane of the State constitutes a heavy tax upon its revenues, but is a duty the proper discharge of which is dictated by every generous and humane impulse.

I desire to bear testimony to the admirable manner in which the responsible duties of Resident Physician and Assistant Physician have been discharged by the gentlemen who have for some years past acted in that capacity. The institution has been so conducted, notwithstanding the embarrassments incident to its crowded condition and inadequate accommodations, as to reflect credit upon the physicians in charge, and has won merited encomiums from those who have visited it. The manner in which the unexpected increase of patients has been, and is, provided for, will appear from the report of the Resident Physician, in whose suggestions I concur.

Under the system now in force, the Directors of the Asylum are chosen

half at each biennial session, by a joint convention of the two houses. These occasions are always likely to be employed by persons desirous of obtaining the positions of Resident and Assistant Physician at the Asylum, to urge the claims of Directors friendly to their aspirations and hence there have been numerous severely contested struggles for these positions, and frequent changes in the Superintendency of the Asylum, which, if repeated in future, cannot but work injury to the patients and reflect discredit upon the State. To make nine hundred (900) unfortunate beings of both sexes, who are deprived of their reason subjects for political struggles or personal advancement, is so repugnant to every sentiment of humanity, that any system which invites such results or renders them possible is discreditable to our civilization. It is a manifest duty to abolish such a system and to substitute one which will give that permanency to the Superintendency of the Asylum which is essential. Changes in this office are prejudicial, even when there is a perfect equality in fitness, ability and experience. The insane become familiar with the features and voice of the physician, and are not favorably affected by the substitution of a stranger, and where the number of inmates is so large, it requires a long time for the Superintendent to become familiar with the peculiarities of different patients. I therefore urgently recommend the repeal of the present mode of selecting Directors, and the passage of a law providing for the appointment of a Board of eight or ten Directors, one to retire each year, who shall be charged with the duties exercised by the Board as at present constituted, with such modifications as may be expedient. The Directors, under the proposed law, might select such Resident and Assistant Physicians as are required, and have power to make removals for cause only, leaving to the Resident Physician the power of employing and discharging subordinates. In making this recommendation, it is discharging a simple duty to the helpless and afflicted wrecks of humanity who are suffering under this terrible visitation. No humane man can fail to have his sympathies painfully wrought upon by the spectacle of nine hundred of his fellow beings of both sexes enduring this living death, nor can he be indifferent to any measures designed to alleviate their affliction and restore them to their friends and to society. I have thought that it might also be of service to provide for the appointment of a competent physician to visit the Eastern Insane Asylums and collect all accessible information as to their management in older communities. To gather and present in this way the experience of similar institutions elsewhere, would involve no large expenditure, and would doubtless aid in perfecting our own system.

#### DEAF AND DUMB AND BLIND ASYLUM.

The Commissioners appointed to superintend the construction of the building for a Deaf and Dumb and Blind Asylum, have finished the work assigned to them.

The cost of the land and building, thus far, is about one hundred and fifty thousand dollars, of which the sum of one hundred and fifteen thousand dollars was appropriated at the last and preceding sessions.

The edifice is admirably located, and is well arranged in every respect for the comfort and health of its inmates. Although the cost is greater than was anticipated, no one who inspects the building will regret the expenditure which has produced so imposing and beautiful a structure, dedicated by the State to this favorite charity.

The original design called for chimneys of carved stone above the



roof, but the earthquake of October, eighteen hundred and sixty-eight, which was severely felt at that point, threw over the chimneys and also one of the gables. It was considered judicious to replace the chimney tops with others of galvanized iron, and in the gables, wood was substituted for stone, to avoid any danger in future. These changes and some repairs involved an unavoidable expenditure of about nine thousand dollars.

The site is well chosen, in the immediate vicinity of the University grounds, and possesses similar advantages. The tract embraces one hundred and thirty acres, well supplied with water from a spring in the rear of the building, which furnishes about ten thousand gallons a day, from a height sufficient to supply the upper stories. The present number of pupils is seventy-three, and will be increased soon to at least one hundred.

To liquidate the present debt, caused by the necessity of repairs above referred to, and provide for heating apparatus, gas works, laying out the grounds and procuring sufficient furniture, etc., will require the sum of twenty-nine thousand dollars, in addition to the regular biennial appropriation. The items of this sum will appear from the report of the Principal and the Directors, which will be laid before you.

The management of the institution reflects great credit upon the Principal and those associated with him in this benevolent work.

I recommend the report of the Commissioners and Principal to your early and favorable consideration.

#### STATE UNIVERSITY.

In conformity with the Act of last session, providing for the organization of a State University, a Board of Regents was appointed soon after the session, who have proceeded to select a corps of professors and instructors, and to adopt measures for the erection of suitable buildings for the accommodation of the Faculty and students. The selections of instructors thus far made are judicious, and the Regents have manifested commendable interest and zeal in the success of their difficult and important trust. The site of the University is regarded as a very desirable one. It embraces two hundred acres of land, about three miles northeasterly from Oakland, commanding a view of the bay and islands, and of the City of San Francisco and its vicinity. The grounds have been tastefully laid out and planted with trees and shrubbery, and are already attractive and beautiful. The number of students at present is about fifty (50), and the number of instructors is ten (10). The purchase of apparatus, the improvement of the grounds and the erection of buildings, with current expenses, will exhaust the sum realized from sales of tide lands, together with the funds in the State treasury transferred to the Board of Regents, leaving as the nucleus of an endowment the Agricultural College land grant and its proceeds. To realize the full benefit of this grant, it is desirable to have Congress modify it so as to permit its location, acre for acre, upon the even railroad sections and upon unsurveyed lands, and in subdivisions as small as forty acres. It is no more than just to make these modifications, because by means of College scrip issued to other States large bodies of the most desirable public lands here have been entered and are held by private individuals, thereby very much impairing the value of the grant to this State, unless it is modified as suggested. With these modifications (and such disposition of a portion of the proceeds of the tide lands as is recommended elsewhere) the

University would be placed upon a firm basis, and would soon be an honor to the State. In this connection it is proper to acknowledge the disinterested liberality of the Trustees of the College of California, who, from an enlightened zeal for the cause of education, first donated to the State one hundred and sixty acres of the two hundred referred to, and then placed at the disposal of the State all the assets of the corporation which remain after payment of its liabilities. The liberality and public spirit of these gentlemen have very much facilitated the attainment of the objects had in view in organizing a University.

The report of the Board of Regents will be laid before you, giving a brief history of their operations thus far, with the names of the professors and instructors, the items of expenditure, rates of tuition, etc.

#### GEOLOGICAL SURVEY.

By an Act passed in April, eighteen hundred and sixty-four, provision was made for the commencement of a thorough geological survey of the State, and a gentleman, whose qualifications for this duty were generally recognized, was selected to superintend and direct the work. The great value and utility of such a survey, if thoroughly performed, are universally admitted. In no State would its practical advantages be greater than in California.

Biennial appropriations were made for its prosecution, and its progress is shown in the report of the State Geologist, to which your attention is invited. At the last session, owing in part to some controversy as to the amount to be expended, the Legislature failed to provide means for the prosecution of the survey, but left in force the law under which the State Geologist was appointed and the survey commenced.

To leave a work of such importance to all the material interests of the State unfinished, would be to sacrifice most of the practical results of the expenditure thus far made, and defeat most of the benefits anticipated from its completion. It is thought by those best qualified to judge that the geographical maps alone, when published, will be worth the entire cost of the survey. It is poor economy to have such a work imperfectly performed; and while there are some portions of it, the practical utility of which is not so apparent as others, there are no parts destitute of practical as well as scientific value.

Among the educated men of this country there seems to be a unanimous verdict in favor, both of the manner in which the work has been prosecuted and of the qualifications of the State Geologist, for its thorough completion.

There has been some criticism upon the time and labor expended upon that portion of the work relating to paleontology, or the science which treats of fossil remains of plants and animals. The opinion seems to be entertained by some that this science has no practical bearing, and that the expenditure of money in its investigation tends only to satisfy the curiosity of antiquarians and scientists.

The study of this science, however, although at first sight it may seem abstruse and unpractical, is essential to a thorough understanding of geology, mineralogy, zoology and botany, by the exposition of which, in California, we seek for a more complete development of all the resources of the State.

I submit to the wisdom of the Legislature, that both the credit and the interests of the State are involved in the completion of the survey, and that it would not be wise, at its present stage of progress, either to

abandon it or to make a change in its management. One objection to such change, among others, is that no one can well assume an unfinished work of this character without retracing the steps already taken, and doing over again work already done, at a great expenditure of time and money.

At the close of the last session, an indebtedness of eleven thousand five hundred dollars (\$11,500) had been incurred in prosecuting the survey, which has since been increased by publications in progress. It is just and proper to make provision for the payment of the amount due the State Geologist for moneys advanced, and I recommend that a further appropriation be made for the continuance of the survey.

#### TIDE LANDS.

The Legislature at its last session wisely provided for the survey and sale of the State's interest in the tide and marsh lands in the City and County of San Francisco, under the supervision of a Board of Commissioners.

The execution of this duty by the gentlemen selected to carry out the law has involved much labor and responsibility, and the results have been quite satisfactory. The first two sales realized the sum of eight hundred and thirteen thousand one hundred and eight dollars and seventy-four cents (\$813,108 74) gross proceeds, of which the sum of two hundred thousand dollars (\$200,000) was appropriated for the University, to be paid over to the Board of Regents.

The benefits of the measure have been very great, in removing from legislation a subject of contention and corruption, and in securing to the State, from this source, funds urgently needed for the University and other purposes.

The operations of this commission in detail will appear from the full and able report herewith presented, and it affords me pleasure to testify to the fidelity and ability with which the duties of these officers have been discharged.

I know of no better disposition which could be made of a portion of the proceeds of these lands, than to provide a permanent endowment fund for the University, as it is uncertain how much will be realized from the Agricultural College grant.

I therefore suggest that one-fourth of all sums realized from the deferred payments due upon sales of these lands be appropriated to the Board of Regents, to be held and invested as a permanent fund, the income alone of which shall be devoted to the payment of salaries and the current expenses of the University. By this means tuition in the institution could be rendered practically free, and the State relieved from any annual expenditure for its support.

The portions of these lands not included in the first two sales will produce probably seven hundred and fifty thousand dollars (\$750,000). The powers of the Commissioners to compromise with adverse claimants might be beneficially enlarged.

#### STATE HARBOR COMMISSION.

The construction of a sea-wall along the water front of San Francisco, by the State Harbor Commission, has progressed in accordance with the plan heretofore adopted, as will appear by reference to the report of the Commissioners

The receipts and disbursements of the Commission during the two years ending November third, eighteen hundred and sixty-nine, have been as follows:

| RECEIPTS.   |                |
|---|----------------|
| Rents and revenues of wharves.....  | \$574,897 81   |
| Amount drawn by Commissioners from San Francisco Harbor Protection Fund, by Orders 4 to 25, inclusive.... | 516,667 90     |
| State Wharf and Dock Fund, by Orders 30 to 53, inclusive  | 147,666 49     |
| Sale of safe.....   | 300 00         |
| California Dry Dock Company, amount paid.....   | 4,414 00       |
| Pacific Rolling Mill.....   | 2,583 00       |
|   | <hr/>          |
|   | \$1,246,529 20 |
| DISBURSEMENTS.  |                |
| Urgent repairs.....   | \$47,241 61    |
| Cleaning wharves.....   | 13,776 40      |
| Dredging.....   | 73,359 00      |
| Expense account—rent, printing, etc.....  | 6,056 57       |
| Current expenses, wharfingers.....  | 46,652 67      |
| Legal counsel.....  | 6,000 00       |
| Additional furniture.....   | 561 18         |
| Salaries of Commissioners and secretaries.....  | 25,175 00      |
| Legal expenses.....   | 146 50         |
| Amount paid on sea-wall.....  | 523,170 65     |
| Construction of wharves.....  | 74,329 49      |
| Harbor Protection Fund—amount remitted State Treasurer.....   | 398,725 61     |
| State Wharf and Dock Fund—amount remitted State Treasurer.....  | 121,334 52     |
|   | <hr/>          |
|   | \$1,246,529 20 |

The report contains much valuable information, and some suggestions worthy of consideration. It would doubtless be judicious to authorize the Commissioners to purchase a dredging machine, as requested by them. The recommendation to abolish the office of Harbormaster will also probably be generally concurred in. Some interesting statements are made respecting experiments in preserving timber from the destructive attacks of the *teredo navalis*. These experiments, if successful, will be of great benefit to our shipping and commercial interests. Your attention is also called to the reasons presented by the Board against the reduction of rates for dockage and wharfage. It is the opinion of the Board that no reduction in these charges is practicable until the sea-wall is completed. Their reasoning seems to have force, and it may be that the rates of dockage and wharfage ought not to be disturbed. I have shared in the general impression that the port charges at San Francisco were too burdensome, and that the pilot charges and port charges generally ought to be very much reduced. I doubt not you will investigate the subject thoroughly, and arrive at a correct conclusion in reference to it.

The total length of the sea-wall authorized to be built is eight thousand three hundred and thirty-seven (8,337) feet, extending from Chestnut street to Harrison street. With the fulfilment of the present contracts there will be completed three thousand two hundred and fifty-two (3,252) feet of the stone embankment, extending from the south line of Pacific street to a point fifty-two and one-half (52½) feet northerly from Howard street. It is the opinion of the Board and of their engineer that this stone embankment will fulfil all the desired objects of the construction of a sea-wall, without an expensive superstructure.

The valuation of land granted to Dunphy and others is stated in the Commissioners' report at one hundred and fifty dollars (\$150) per acre. This valuation was so much below what I regarded as its actual value, that I thought it my duty to resist the issuance of the patent and seek to set the appraisal aside.

The Supreme Court held, however, that the valuation by the Commissioners was conclusive, and ordered the patent to issue.

#### STATE REFORM SCHOOL.

At the last session an Act was passed abolishing the State Reform School at Marysville, and providing for the transfer of the boys there to the Industrial School at San Francisco. The law was promptly complied with, and the building at Marysville has since remained unoccupied but has been taken care of by the Secretary of State, under the general authority and supervision exercised by him over State buildings.

It will be necessary for the Legislature to provide for the disposition of the property, as it will not be likely to be made use of by the State. It might be as well to donate the property to the County of Yuba, if it can be usefully employed by that county as an alms-house or for some similar purpose, because if sold it would realize a comparatively small sum, and it may be of some value to that county for public use.

The report of the Commissioners appointed to supervise the transfer of the boys in the State Reform School to the Industrial School in San Francisco is herewith transmitted.

#### STATE CAPITOL.

Since the last session the work upon the new Capitol has been pressed as rapidly as possible, with the hope of being able to get the building ready to be occupied during the present session. This result was regarded as very desirable, in order to secure the spacious and elegant legislative chambers for your use, instead of the rooms heretofore occupied, and to facilitate the transaction of the public business by collecting the Legislature, library and State officers in one building, in apartments commodious, well ventilated and in every way well suited for their various purposes. In the accomplishment of this, many and serious obstacles had to be overcome and some responsibility assumed. The embarrassment, however, of arresting the work and the loss which would thereby result, connected with the general anxiety to get the building ready for use at this session, the saving of rent and the inconvenience of having State officers and committee rooms located in different parts of the city, together with the advantage in point of health, of a session in chambers so commodious and well ventilated, determined

the Board of Capitol Commissioners to press forward with the work; and no one probably, who witnesses the interior of the magnificent edifice in which your session is to be held, will regret the determination of the Board. This resolution, however, would have been of little avail without the faithful and unremitting labor of the architect and those who had charge of the different departments of the work. Circumstances also were favorable, in the safe arrival of the glass and other material which it was necessary to procure abroad.

The amount of warrants on the Capitol Fund outstanding on the first day of November, eighteen hundred and sixty-nine, was two hundred and seventy thousand eight hundred and seventy-nine dollars and ninety-three cents (\$270,879 93), which this year's taxes will reduce about one hundred and seventy thousand dollars (\$170,000), leaving the fund in debt about one hundred thousand dollars. This amount will be increased about fifty thousand dollars (\$50,000) besides the sum expended in furnishing the building, which latter will doubtless be provided by a special appropriation.

The tide land sales will probably furnish means, as suggested by the Controller, for the liquidation of the warrants outstanding, if a transfer to the Capitol Fund of the amount required is authorized.

The reports of the architect and Board of Capitol Commissioners give an estimate of the amount needed to complete the building in accordance with the plans. The estimate is three hundred and eighty-one thousand two hundred and eighty dollars (\$381,280), which would make the account stand thus:

|   |                |
|---|----------------|
| Amount expended prior to November 1, 1867.....              | \$486,088 30   |
| Amount expended between Nov. 1, 1867, and Nov. 1, 1869..... | 580,008 74     |
| Estimate to complete.....                                   | 381,280 00     |
| Total cost.....   | \$1,447,377 04 |

The continuance of the Capitol tax for two years more will enable the work upon the building to be prosecuted and completed, by the aid of such portion of the proceeds of the tide lands as will be needed to make up any deficiency in the amount raised by the Capitol tax.

The total cost of the edifice will probably exceed one million five hundred thousand dollars (\$1,500,000), and though the amount expended may seem extravagant for a State with the population and revenue of California, few will regret the expenditure in view of the solidity and beauty of the structure and its permanent adaptation to the public use.

#### REVISION OF STATUTES.

The Commissioners appointed at the last session to codify the statutes have not finished the labor assigned to them. Such progress as they have made will appear from the report submitted to the Legislature. It is exceedingly desirable to secure a thorough and careful revision of the general statutes of the State, and whatever additional legislation is necessary to secure this object ought to be had without delay.

## SILK AND OTHER BOUNTIES.

By an Act passed April second, eighteen hundred and sixty-six, premiums were offered for the production of silk cocoons, and for plantations of mulberry trees. The phraseology of this law was so loose and unguarded, that it left the State treasury liable to be stripped of an indefinite amount of money, without any corresponding benefit whatever. An amendatory Act was passed March thirtieth, eighteen hundred and sixty-eight, the object of which was to prevent the threatened draft on the treasury, and fix some limit on the amount liable to be taken therefrom for the benefit of the persons engaged in raising mulberry trees. Under this Act and the Act of April, eighteen hundred and sixty-two, claims for premiums were required to be presented before a Board of five judges, consisting of the Governor, the President of the Mechanics' Institute and three Presidents of agricultural societies. At the last session of that Board, among other claims was one for fifteen thousand dollars (\$15,000) in favor of the Mission Woollen Mills, in San Francisco, which was allowed by a majority of the Board, and several claims for mulberry plantations. The latter were augmented in one case to the number of twenty-four and one-half (24½) premiums, amounting to six thousand one hundred and twenty-five dollars (\$6,125); and in another, to the number of fifteen and a half (15½), amounting to three thousand eight hundred and seventy-five dollars (\$3,875), by drawing imaginary lines through a plantation so as to inclose in each space five thousand (5,000) trees, and claiming a separate premium for each of these subdivisions of the plantation. The Board, by the votes of a majority, allowed these claims, but, at my request, the Attorney-General applied to the Supreme Court for a writ of certiorari, to review the proceedings of the Board, and, upon argument, the awards were set aside. The principle of paying premiums to any person for engaging in a particular occupation is sustained by somewhat the same reasoning which sanctions a protective tariff, and is equally vicious and indefensible; but aside from the principle involved in this class of laws, the claims in question were a manifest abuse. The enactments of eighteen hundred and sixty-two, eighteen hundred and sixty-six and eighteen hundred and sixty-eight are loose and unguarded in their provisions, and if any good could ever arise from them it has been accomplished. The Act of eighteen hundred and sixty-eight will expire, by its terms, at about the close of this session, and I recommend the repeal of the Act of eighteen hundred and sixty-two, as there are a number of perplexing questions which might arise under it, to the great detriment of the public revenues, if adjudged against the State. In monarchies, where the people are kept in leading strings, and business is to some extent dictated and controlled by Government, the impropriety of offering premiums for establishing any particular business may not seem so apparent; but in this country, where the people are generally intelligent and well informed, and absolutely free to invest their labor and capital wherever it will be most remunerative, it is more in accordance with sound reason to leave the whole subject of agriculture, commerce and manufactures to be prosecuted in any form by each individual, in accordance with his judgment of the profits to be derived from his investment. When men's fortunes are involved, they will investigate more closely and judge more correctly than legislators can possibly do, and the policy of forcing capital out of one channel into another, either by protective duties or bounties, is rapidly meeting with general disfavor. Such artificial forcing produces no healthy growth,

and is not within the legitimate province of Government. Besides, it degenerates almost always into combinations to plunder the treasury for private benefit. If Government will confine itself to its legitimate sphere in the protection of life and property, the business men of the country, whether farmers, merchants or manufacturers, will determine for themselves in what channels their labor and capital can best be employed, and to what subjects they can best be applied.

#### SAN MATEO TANNING COMPANY ACT.

At the last session of the Legislature a bill was passed to sell certain tide lands in the County of San Mateo to a corporation styled "The San Mateo Tanning and Manufacturing Company," at a price to be fixed by appraisement of three Commissioners. At the time of the passage of this bill the members of the Legislature were led to believe that the corporation contemplated the prosecution of the business of tanning leather, and desired a tract of tide land of about seventy-five (75) acres, to facilitate their business. The boundaries in the bill were somewhat indefinite, and it was approved mainly because it provided that the Commissioners were to be appointed by the Executive, and furnished, therefore, some security for a fair appraisement. After the close of the session, it appeared that the lands described in the bill embraced about six thousand (6,000) acres, extending from the southern line of San Francisco County several miles southward. The tanning company had no tannery, nor was it ever likely to have one, and it became evident that the land was sought to be obtained purely for private speculation. The Commissioners appointed under the provisions of the bill were Messrs. Lafayette Maynard, Thomas H. Selby and William Corcoran, who proceeded to appraise the land described in the Act, and fixed the value at one thousand dollars (\$1,000) per acre, a price somewhat less than the average net proceeds of adjacent lands sold under the Tide Land Act of last session. This appraisal has been duly filed as the Act requires, and notice given to the officers of the company, who, as might be anticipated, have failed to pay the amount of the appraisement. I trust the Legislature will lose no time in repealing the Act in question, and thus protect the State against this attempted imposition.

If the Tide Land Commissioners appointed under the Farish bill were authorized to survey and sell the tract sought to be appropriated by this corporation, the proceeds, invested in State and Federal securities, would constitute a fund, the income of which would pay all the present deficiency in the expense of the Prison, and probably also support the Deaf and Dumb and Blind and Insane Asylums, and provide any additional amount, if any were needed, for the support of the University.

#### IMMIGRATION.

The importance of facilitating immigration from the Eastern States and Europe is felt by all who are interested in our material development. A moderate expenditure of money to establish agencies in New York and Baltimore and in Europe would probably be of service in directing immigrants to this coast, and securing additional means for their safe and speedy transit hither. Agents of this character could do much towards diffusing information as to the advantages offered by California, and making favorable arrangements with railway and steamship corporations.



We need population—not of races inferior in natural traits, pagan in religion, ignorant of free institutions, and incapable of sharing in them without putting the very existence of those institutions in peril—but we need immigrants of kindred races, who will constitute a congenial element and locate themselves and their families permanently upon the soil; who can be admitted to an equal share in our political privileges, and respond to all the obligations imposed upon citizens under a republican Government. One great need of California is a farming population from Germany and other European States, accustomed to the cultivation of the grape and other branches of agriculture, to which our climate and soil are so peculiarly adapted. We have millions of acres of public lands in the mountains and valleys, on the coast and in the interior, open to purchase and settlement at moderate prices, and a climate, as a whole, the most equable, genial and healthful on the globe. For certain branches of agriculture, especially the production of raw silk and the culture of the grape, no climate or country can possess more favorable conditions; but we need an agricultural population to develop our resources in this direction, and we also need an immigration of Eastern and European mechanics and laborers. It is a general desire that some measures not involving extravagant expenditure might be devised to facilitate this object.

The people of the State have so often and so emphatically expressed their hostility to the importation of Chinese laborers that their representatives will doubtless leave no legitimate means untried to execute the popular will in this respect. It is of vital importance, also, that the infamous business of importing Chinese females by the hundred, for the vilest purposes, should be arrested at once by stringent measures.

I do not propose to renew the discussion of the subject of Chinese immigration in an economic, moral or political aspect, because it is needless to discuss a question in reference to which public sentiment here is so nearly unanimous. The Legislature have power, without doubt, to make such provisions as will secure the people of the State against the stream of filth and prostitution that has been pouring in from Asia for the past twelve months, and at the same time secure the working people of the State against the importation of a class whose servile competition tends directly to cheapen and degrade labor.

While, however, the people of this State are with much unanimity opposed to the importation of Chinese, both male and female, they are not disposed to countenance any ill usage of Chinese, or of any other class within our borders. The exclusion of Mongolian testimony has been occasioned by the notorious fact that their testimony is so utterly unreliable as in many cases hardly to afford a basis for conjecture. Statements in direct conflict upon simple facts are constantly made by equal numbers upon opposite sides, in criminal prosecutions against Chinese defendants (where their testimony is admitted), with no perceptible choice on their part between truth and falsehood. Notwithstanding, however, the embarrassment which juries must often feel to distinguish truth from falsehood in the testimony of this class of persons, the whole policy of our legislation is to admit all testimony which might constitute an element in arriving at the truth, leaving the jury to judge of the weight to which it is entitled. In pursuance of this, criminals have been allowed to testify in their own behalf, and experience has satisfied jurists of the wisdom of this innovation. In addition to this reason for admitting Chinese to testify, it is true that crimes not only against them, but against white persons, sometimes go unpunished for

lack of testimony, which, fortified by corroborating circumstances, would suffice to insure conviction and punishment.

My deliberate judgment is strongly in favor of the removal of all barriers to the testimony of any class or race, as a measure not simply of justice, but of sound policy.

#### CONSTITUTIONAL PROVISIONS AND AMENDMENTS.

The provision of the constitution prohibiting judicial officers from being absent from the State more than thirty days, has not been made effectual by appropriate legislation. It ought either to be enforced by statute, or, what would be better, amended by enlarging the time to ninety days. Circumstances often arise which require Judges to be absent more than thirty days, and such absence may involve no possible injury to the public; but the constitutional provision is inflexible, and suffers no excuse on the score of sickness, accident or other cause.

At the sixteenth and seventeenth sessions, the following amendment to the State constitution was proposed and adopted as an additional section to article one:

"SECTION 22. The Legislature shall have no power to make an appropriation of money for any purpose whatever for a longer period than two years."

The only step remaining to give efficiency to this amendment is its approval by popular vote. The constitution, in section one of article ten, provides that after an amendment has been agreed to at two successive sessions by a majority of all the members elected to each house, it shall be submitted to the people "in such manner and at such time as the Legislature shall prescribe." By an oversight, no provision was made for such submission at the last session, and it will devolve upon you to remedy this omission.

The proposed amendment to the Federal constitution known as the Fifteenth Amendment, adopted by Congress at its last session, will be transmitted to the Legislature at an early day, with such views and suggestions upon the subject as seem to me appropriate.

#### NATIONAL AFFAIRS.

The late election in this State resulted in the defeat of the political organization to which we owe the burdens of the protective system, inconvertible paper currency, styled by Mr. Webster "the greatest of political evils," military trials and the various attempts to override the Federal constitution, or change it so as to extinguish its original spirit, subvert the rights of the States and centralize unlimited power in the Federal Legislature.

The Pacific States, it is confidently believed, will be found a unit in favor of free trade, a specie currency, the exclusive right of each State to regulate its domestic concerns, and in steadfast opposition to all propositions to destroy the landmarks of the constitution and vest absolute authority in the Federal Congress.

The constitutional party is triumphant here, and its triumph throughout the Union will not be long delayed. It cannot, however, be promoted by any unworthy political expedient, by abandonment of prin-

ciple, by any compromise with manifest error, or by giving any countenance to fraud or profligacy in legislation.

Absolute and unconditional free trade, a specie currency, the payment of the public debt in gold and silver, which alone is *money*, a strict construction of constitutional powers, local self-government, which is but another name for liberty, opposition to all centralizing tendencies and to all efforts to confer political power upon a servile and pagan population, a just regard for the welfare and interests of the industrial classes, and a pure administration of public affairs—these principles and this policy will alone deserve and command permanent success.

#### CONCLUSION.

In conclusion, I feel bound to testify to the fidelity, zeal and ability manifested by the State officers in their several departments during the past two years. The business of their offices has been transacted with a system, industry and efficiency that leave no room for criticism, and have made my relations with them very agreeable and satisfactory. It seems right and proper to bear testimony to the manner in which the public interests have been guarded by them, and the duties entrusted to them have been discharged.

I have thus endeavored to comply with the duty imposed upon the Executive by the constitution. It remains for you, as the representatives of the people, to give such weight to the recommendations made as in your judgment they may deserve. Upon you rests the responsibility of such measures as are designed to reform abuses, to husband wisely the public resources, to economise public expenditures, to lessen and equalize the burdens of taxation, and to give efficiency to all branches of the public service.

That you will watch with vigilance all attempts to sacrifice the public interests, that you will execute with fidelity the trust placed in your hands, and merit the confidence reposed in you by our common constituents, I have an abiding confidence.

With a grateful recognition of the goodness of Divine Providence, who has so abundantly blessed us during the past two years, and with a just sense of our accountability to Him and to our fellow citizens, let us address ourselves to our respective duties.

H. H. HAIGHT.



**A P P E N D I X**

**TO**

**GOVERNOR'S MESSAGE**

**88**



## LIST OF PARDONS FROM STATE PRISON,

GRANTED BY GOVERNOR H. H. HAIGHT,

*From December 5th, 1867, to November 1st, 1869.*

| Date of sentence. | Name of prisoner.    | Crime.        | County.     | Term of sentence. |
|-------------------|----------------------|---------------|-------------|-------------------|
| April, 1864.....  | George McKenzie..... | Robbery ..... | Amador..... | Seven years.      |

DECISION.—Whereas, the said McKenzie was afterwards found to be entirely innocent, another party having been discovered to be guilty of the crime alleged to have been committed by him, this party being convicted of the same and sentenced to the State Prison therefor; and whereas, these facts having been laid before his Excellency Governor Low, the Governor issued his pardon to the said McKenzie, July third, eighteen hundred and sixty-six, but affixed as a condition thereto that the said McKenzie should leave the State prior to the tenth of August ensuing, never to return; and whereas, circumstances over which he could exercise no control prevented his compliance with the terms of pardon, and he was thereupon re-arrested, his pardon cancelled and himself re-committed to the State Prison; and whereas, it is entirely evident that the said George McKenzie is innocent of the crime charged against him—now, therefore, let him be pardoned and restored to citizenship. January thirteenth, eighteen hundred and sixty-eight.

| Date of sentence.  | Name of prisoner.     | Crime.              | County.        | Term of sentence. |
|--------------------|-----------------------|---------------------|----------------|-------------------|
| January, 1863..... | Lewis G. Anderson.... | Murder in 2d degree | Siskiyou ..... | Ten years.        |

DECISION.—Whereas, a petition signed by E. Wadsworth, State Senator for Siskiyou, by A. M. Rosborough, County Judge, by the county officers and ex-officers, and by a large number of the most respectable citizens of said county, and also by several jurymen in the case, has been received, praying for the pardon of said Anderson; and whereas, special letters have been written in his behalf by Judge Daingerfield, before whom the case was tried, as well as by prominent citizens of Yreka; and whereas, the officers of the State Prison have testified to his good behavior during the time of his incarceration; and whereas, it is apparent that the person killed was struck by mistake, having been taken for another person who had grossly abused the said Anderson; and whereas, he has already served out half his term of sentence, and in the opinion of the said officers and petitioners has been sufficiently punished—now, therefore, let him be pardoned. January thirteenth, eighteen hundred and sixty-eight.

## LIST OF PARDONS—Continued.

| Date of sentence. | Name of prisoner. | Crime.               | County.          | Term of sentence. |
|-------------------|-------------------|----------------------|------------------|-------------------|
| May, 1863.....    | John Marr.....    | Murder in 1st degree | Santa Clara..... | Life.*            |

\* Sentence commuted in eighteen hundred and sixty-three, from hanging to imprisonment for life.

DECISION.—Whereas, a petition signed by many of the officers and ex-officers and by the County Judge, as well as by a large number of the most prominent citizens of said county, including the representatives in the Legislature from said county, has been received, praying for the pardon of the said Marr; and whereas, special letters have been written in his behalf by Judge Rhodes, of the Supreme Court; by Judge McKee, of the Third Judicial District Court, before whom the case was tried, and by Hon. C. T. Ryland, Speaker of the Assembly; and whereas, in the opinion of the above mentioned officers and petitioners, the jury committed an error in their verdict and should have acquitted the said Marr, from the fact of his acting in self-defence—now, therefore, let him be pardoned and restored to citizenship. January seventeenth, eighteen hundred and sixty-eight.

—

| Date of sentence. | Name of prisoner.   | Crime.              | County.         | Term of sentence. |
|-------------------|---------------------|---------------------|-----------------|-------------------|
| December, 1863... | Alonzo H. Dake..... | Murder in 2d degree | Sacramento..... | Eleven years.     |

DECISION.—Whereas, in the pardon granted to said Dake by his Excellency Governor Low, an error was made which renders its legal validity doubtful; and whereas, it is desirable to repair the error committed in the former document, so as to accomplish the object intended—now, therefore, let him be pardoned and restored to citizenship. March seventh, eighteen hundred and sixty-eight.

—

| Date of sentence. | Name of prisoner.                       | Crime.             | County.          | Term of sentence. |
|-------------------|---|--------------------|------------------|-------------------|
| November, 1865... | Charles W. Garland,<br>alias Wm. Speed. | Grand larceny..... | Los Angeles..... | Ten years.....    |

DECISION.—Whereas, a number of highly respectable citizens of Los Angeles County, among the number the Judge before whom the case was tried, as well as the county officers of Los Angeles County, have urged the pardon of the said Garland, upon the ground of the unprecedented severity of the term of sentence for the amount of property taken, and on the further ground of his youth, and his sick and destitute condition when the crime was committed; and whereas, special letters have been written in his behalf by prominent citizens of New Hampshire, setting forth the worth and respectability of the family of the said Garland—now, therefore, let him be pardoned, on condition that he leave the State, never to return. March twentieth, eighteen hundred and sixty-eight.



## LIST OF PARDONS—Continued.

| Date of sentence. | Name of prisoner.   | Crime.              | County.        | Term of sentence. |
|-------------------|---------------------|---------------------|----------------|-------------------|
| December, 1861... | S. D. Gatewood..... | Murder in 2d degree | San Mateo..... | Fifteen years.    |

DECISION.—Whereas, the said Gatewood has been recommended for pardon by the Board of State Prison Directors in their report submitted to the Legislature on the thirtieth of March, eighteen hundred and sixty-eight, on the ground of his pardon being urged by the District Attorney, by the officers of the Court in which he was tried and by a large number of citizens of San Mateo County, and on the further ground of his conduct in the State Prison being good—now, therefore, let him be pardoned and restored to citizenship. April eighth, eighteen hundred and sixty-eight.

| Date of sentence.  | Name of prisoner. | Crime.              | County.     | Term of sentence. |
|--------------------|-------------------|---------------------|-------------|-------------------|
| October, 1858..... | L. P. Stone.....  | Murder in 2d degree | Nevada..... | Thirty years.     |

DECISION.—Whereas, the said Stone has been recommended for pardon by the Board of State Prison Directors, in their report to the Legislature on the thirtieth day of March, eighteen hundred and sixty-eight, on the ground that he has been in prison ten years, that his conduct there has been good, and that many citizens of Sonoma and Nevada Counties petition for his pardon—now, therefore, let him be pardoned, on condition that he leave the State, never to return. April eighth, eighteen hundred and sixty-eight.

| Date of sentence. | Name of prisoner.    | Crime.            | County.         | Term of sentence. |
|-------------------|----------------------|-------------------|-----------------|-------------------|
| December, 1862... | Geo. A. Ruffner..... | Manslaughter..... | San Joaquin.... | Ten years.        |

DECISION.—Whereas, the said Ruffner has been recommended for pardon by the Board of State Prison Directors, in their report submitted to the Legislature on the thirtieth day of March eighteen hundred and sixty-eight, on the ground of his pardon being urged by the Judge before whom the case was tried, by four of the jurors, and by many respectable citizens of San Joaquin County—now, therefore, let him be pardoned and restored to citizenship. April eighth, eighteen hundred and sixty-eight.

| Date of sentence. | Name of prisoner.     | Crime.             | County.          | Term of sentence. |
|-------------------|-----------------------|--------------------|------------------|-------------------|
| November, 1866... | Margaret Hibbard..... | Grand larceny..... | San Francisco... | Two years.        |

DECISION.—Whereas, the said Margaret Hibbard has been recommended for pardon by the Board of State Prison Directors, in their report submitted to the Legislature on the thirtieth day of March, eighteen hundred and sixty-eight, on the ground of chronic incurable illness, as certified by the visiting physician of the prison—now, therefore, let her be pardoned. April eighth, eighteen hundred and sixty-eight.

## LIST OF PARDONS—Continued.

| Date of sentence. | Name of prisoner.        | Crime.             | County.          | Term of sentence. |
|-------------------|--------------------------|--------------------|------------------|-------------------|
| November, 1867... | Alexander Griffiths..... | Grand larceny..... | San Francisco... | One year.         |

DECISION.—Whereas, the said Griffiths has been recommended for pardon by the Board of State Prison Directors, in their report submitted to the Legislature on the thirtieth of March, eighteen hundred and sixty-eight, on the ground of there being considerable doubt as to the guilt of the said Griffiths—now, therefore, let him be pardoned and restored to citizenship. April eighth, eighteen hundred and sixty-eight.

| Date of sentence. | Name of prisoner. | Crime.              | County.     | Term of sentence. |
|-------------------|-------------------|---------------------|-------------|-------------------|
| .....             | Warren Myers..... | Murder in 2d degree | Nevada..... | Ten years.        |

DECISION.—Whereas, the said Myers has been recommended by the Board of State Prison Directors, in their report submitted to the Legislature on the thirtieth of March, eighteen hundred and sixty-eight, for pardon, on the ground of illness of a fatal character, as certified by the visiting physician of the Prison—now, therefore, let him be pardoned. April eighth, eighteen hundred and sixty-eight.

| Date of sentence. | Name of prisoner.    | Crime.             | County.         | Term of sentence. |
|-------------------|----------------------|--------------------|-----------------|-------------------|
| November, 1866... | Benj. Carpenter..... | Grand larceny..... | Santa Cruz..... | Three years.      |

DECISION.—Whereas, the said Carpenter has been recommended for pardon by the Board of State Prison Directors, in their report submitted to the Legislature on the thirtieth of March, eighteen hundred and sixty-eight, on the ground of intoxication, and when arrested was riding the stolen horse in the pasture in which he belonged, and on the further ground of his good conduct during his incarceration—now, therefore, let him be pardoned and restored to citizenship. April ninth, eighteen hundred and sixty-eight.

| Date of sentence. | Name of prisoner.   | Crime.              | County.       | Term of sentence. |
|-------------------|---------------------|---------------------|---------------|-------------------|
| July, 1857.....   | H. H. Stumberg..... | Murder in 2d degree | Tuolumne..... | Fifteen years.    |

DECISION.—Whereas, the said Stumberg has been recommended for pardon by the Board of State Prison Directors, in their report submitted to the Legislature on the thirtieth of March, eighteen hundred and sixty-eight, on the ground that he has served eleven years, that his conduct has been good, and that he has made himself very useful in the prison hospital—now, therefore, let him be pardoned and restored to citizenship. April ninth, eighteen hundred and sixty-eight.

## LIST OF PARDONS—Continued.

| Date of sentence. | Name of prisoner.      | Crime.             | County.        | Term of sentence. |
|-------------------|------------------------|--------------------|----------------|-------------------|
| July, 1866.....   | Francisco Sanchez..... | Grand larceny..... | San Mateo..... | Four years.       |

Decision.—Whereas, the said Sanchez has been recommended for pardon by the Board of State Prison Directors, in their report submitted to the Legislature on the thirtieth of March, eighteen hundred and sixty-eight, on the ground that the Judge who tried the case, the county officers and many citizens urge his pardon, and on the further ground that his conduct during incarceration has been good—now, therefore, let him be pardoned and restored to citizenship. April ninth, eighteen hundred and sixty-eight.

| Date of sentence. | Name of prisoner.      | Crime.             | County.         | Term of sentence. |
|-------------------|------------------------|--------------------|-----------------|-------------------|
| .....             | Morris Fitzgerald..... | Grand larceny..... | Sacramento..... | Two years.....    |

Decision.—Whereas, the said Fitzgerald has been recommended for pardon by the Board of State Prison Directors, in their report submitted to the Legislature on the thirtieth of March, eighteen hundred and sixty-eight, on the ground that he was intoxicated when the crime was committed, and on the further ground that he has served out over half his term and that his conduct has been good—now, therefore, let him be pardoned and restored to citizenship. April ninth, eighteen hundred and sixty-eight.

| Date of sentence. | Name of prisoner. | Crime.       | County.         | Term of sentence. |
|-------------------|-------------------|--------------|-----------------|-------------------|
| July, 1865.....   | Moses Frank.....  | Forgery..... | San Francisco.. | Five years.       |

Decision.—Whereas, a petition, signed by a large number of prominent citizens of San Francisco, including the three District Judges, has been received, praying for the pardon of said Frank : and whereas, he has served nearly three-fourths of his term of imprisonment, and has dependent on him a large family—now, therefore, let him be pardoned, upon condition that he leave the State, never to return. April ninth, eighteen hundred and sixty-eight.

| Date of sentence.  | Name of prisoner. | Crime.             | County.          | Term of sentence.  |
|--------------------|-------------------|--------------------|------------------|--------------------|
| January, 1867..... | Harvey Lee .....  | Grand larceny..... | Santa Clara..... | Two and a half yrs |

Decision.—Whereas, the said Lee has been recommended for pardon by the Board of State Prison Directors, in their report submitted to the Legislature on the thirtieth day of March, eighteen hundred and sixty-eight, on the ground of his suffering with disease of the lungs—now, therefore, let him be pardoned and restored to citizenship. April ninth, eighteen hundred and sixty-eight.

## LIST OF PARDONS—Continued.

| Date of sentence.  | Name of prisoner.     | Crime.        | County.      | Term of sentence. |
|--------------------|-----------------------|---------------|--------------|-------------------|
| February, 1868 ... | James Faulkenberry... | Robbery ..... | Amador ..... | Four years. ....  |

DECISION.—Whereas, the said Faulkenberry has been recommended for pardon by the Board of State Prison Directors, in their report submitted to the Legislature on the thirtieth day of March, eighteen hundred and sixty-eight—now, therefore, let him be pardoned and restored to citizenship. April ninth, eighteen hundred and sixty-eight.

| Date of sentence. | Name of prisoner. | Crime.              | County.        | Term of sentence. |
|-------------------|-------------------|---------------------|----------------|-------------------|
| —, 1859 .....     | Ah Fong.....      | Murder in 2d degree | Mariposa. .... | Twelve years.     |

DECISION.—Whereas, it appears by the certificate of the visiting physician of the prison that the said Ah Fong is suffering so badly from consumption that there is imminent danger of his dying in prison—now, therefore, let him be pardoned. May first, eighteen hundred and sixty-eight.

| Date of sentence. | Name of prisoner.  | Crime.     | County.     | Term of sentence. |
|-------------------|--------------------|------------|-------------|-------------------|
| —, 1856 .....     | Thomas Rogers..... | Rape. .... | Nevada..... | Twenty-one years. |

DECISION.—Whereas, the said Rogers is incurably crippled through injuries received at the prison, and is too helpless to work—now, therefore, let him be pardoned and restored to citizenship. May twentieth, eighteen hundred and sixty-eight.

| Date of sentence. | Name of prisoner.     | Crime.        | County.          | Term of sentence. |
|-------------------|-----------------------|---------------|------------------|-------------------|
| August, 1864..... | James A. Shotwell.... | Forgery ..... | San Francisco... | Six years.        |

DECISION.—Whereas, the said Shotwell was recommended for pardon by the Board of State Prison Directors, in their report submitted to the Legislature on the thirtieth of March, eighteen hundred and sixty-eight; and whereas, special requests have been made in his behalf by the officers of the prison, and also by the officers of the Bank of California, upon which the forgery was committed, on the ground that he has served out the greater portion of his term of sentence—now, therefore, let him be pardoned, upon condition that he leave the State within thirty days from date, never to return. June second, eighteen hundred and sixty-eight.

## LIST OF PARDONS—Continued.

| Date of sentence. | Name of prisoner.   | Crime.            | County.      | Term of sentence. |
|-------------------|---------------------|-------------------|--------------|-------------------|
| March, 1866.....  | Octavious Cora..... | Manslaughter..... | Alameda..... | Three years.      |

**DECISION.**—Whereas, the said Cora was recommended for pardon by the Board of State Prison Directors, in their report to the Legislature of March thirtieth, eighteen hundred and sixty-eight; and whereas, the prison physician certifies that the said Cora is at the point of death from chronic bronchitis—now, therefore, let him be pardoned. June second, eighteen hundred and sixty-eight.

| Date of sentence. | Name of prisoner.   | Crime.             | County.   | Term of sentence.        |
|-------------------|---------------------|--------------------|-----------|--------------------------|
| ——, 1866.....     | William Curren..... | Grand larceny..... | Yuba..... | Four and one-half years. |

**DECISION.**—Whereas, it appears by the certificate of the visiting physician of the prison that the said Curren is dying of cancerous disease—now, therefore, let him be pardoned. July sixteenth, eighteen hundred and sixty-eight.

| Date of sentence. | Name of prisoner.      | Crime.            | County.     | Term of sentence. |
|-------------------|------------------------|-------------------|-------------|-------------------|
| December, 1867... | Andrew J. Millsap..... | Manslaughter..... | Colusa..... | Four years.       |

**DECISION.**—Whereas, a petition, signed by a large number of respectable citizens of Colusa County, including the county officers, has been laid before me, praying for the pardon of said Millsap; and whereas, it appears that the said Millsap committed the act while laboring under high excitement produced by the opprobrious epithets of his antagonist, who held at the same time a loaded shot-gun in his hand; and whereas, it is stated by the petitioners that the said Millsap had always borne a good character for honesty, sobriety and peacefulness of disposition—now, therefore, let him be pardoned and restored to citizenship. July thirty-first, eighteen hundred and sixty-eight.

| Date of sentence. | Name of prisoner.      | Crime.               | County.        | Term of sentence. |
|-------------------|------------------------|----------------------|----------------|-------------------|
| —— 1861.....      | Victoriano Quinto..... | Murder in 2d degree. | San Mateo..... | Life.             |

**DECISION.**—Whereas, it appears by the certificate of the visiting physician of the prison that the said Quinto is the subject of incurable chronic disease, and is now dangerously ill—now, therefore, let him be pardoned. August first, eighteen hundred and sixty-eight.

## LIST OF PARDONS—Continued.

| Date of sentence. | Name of prisoner.      | Crime.                                 | County.     | Term of sentence. |
|-------------------|------------------------|--|-------------|-------------------|
| July, 1868.....   | Christobal Michado.... | Branding with intent to steal a horse. | Tulare..... | Three years.      |

DECISION.—Whereas, a petition has been received by me, signed by a large number of the most respectable people of Los Angeles and Tulare Counties, which petition asserts the innocence of the said Michado, and prays for his pardon; and whereas, there are facts which raise a strong presumption of his innocence; and whereas, it appears that his conduct has hitherto been exemplary—now, therefore, let him be pardoned and restored to citizenship. September ninth, eighteen hundred and sixty-eight.

| Date of sentence.  | Name of prisoner. | Crime.              | County.         | Term of sentence. |
|--------------------|-------------------|---------------------|-----------------|-------------------|
| September, 1866... | Julius Brisk..... | Arson in 2d degree. | San Francisco.. | Three years.      |

DECISION.—Whereas, a petition has been presented by many of the most respectable citizens of San Francisco, who allege facts tending to show his innocence, coupled with the facts that his term of sentence will expire in a few months, and that he has a large and dependent family—now, therefore, let him be pardoned and restored to citizenship. September fifteenth, eighteen hundred and sixty-eight.

| Date of sentence.  | Name of prisoner.  | Crime.               | County.     | Term of sentence. |
|--------------------|--------------------|----------------------|-------------|-------------------|
| October, 1860..... | John B. Brown..... | Murder in 2d degree. | Tulare..... | Twenty years.     |

DECISION.—Whereas, the District Judge before whom the cause was tried has made an urgent application for his pardon, on the ground that an excessive sentence was imposed through a misapprehension of facts, and a number of respectable citizens of Tulare County, including most of the county and judicial officers, have petitioned for his pardon, and he has already been in prison eight years, and his conduct has been uniformly good, and his character before the commission of the offence was exemplary—now, therefore, let him be pardoned. September sixteenth, eighteen hundred and sixty-eight.

| Date of sentence. | Name of prisoner.     | Crime.             | County.        | Term of sentence. |
|-------------------|-----------------------|--------------------|----------------|-------------------|
| — 1866.....       | Annisito Arrillo..... | Grand larceny..... | San Mateo..... | Three years.      |

DECISION.—Whereas, the Peruvian Consul, having investigated the facts of the case, and having officially certified upon such investigation that he was convinced of the innocence of the said Arrillo, has requested the interposition of Executive clemency in behalf of the said Arrillo—now, therefore, let him be pardoned and restored to citizenship. November sixth, eighteen hundred and sixty-eight.

## LIST OF PARDONS—Continued.

| Date of sentence. | Name of prisoner. | Crime.               | County.      | Term of sentence. |
|-------------------|-------------------|----------------------|--------------|-------------------|
| — 1864.....       | José Pizarro..... | Murder in 2d degree. | Alameda..... | Ten years.        |

DECISION.—Whereas, it appears by the certificate of the physician of the prison that the said Pizarro is in imminent danger of dying from consumption—now, therefore, let him be pardoned. December fourth, eighteen hundred and sixty-eight.

| Date of sentence. | Name of prisoner.    | Crime.        | County.      | Term of sentence. |
|-------------------|----------------------|---------------|--------------|-------------------|
| June, 1865.....   | Isaac Tanksley ..... | Robbery ..... | Placer ..... | Fourteen years.   |

DECISION.—Whereas, the County Judge before whom said Tanksley was tried, and the District Attorney, have represented to me that the sentence of said Tanksley was disproportionate to the offence committed, and have requested his pardon, and the Attorney-General has concurred in such recommendation; and whereas, the physician at the prison has certified to me that said Tanksley is suffering from the tuberculous disease, and cannot survive in prison much longer; and whereas, it appears said Tanksley was entrapped by the officers into committing the offence—now, therefore, let him be pardoned. February sixteenth, eighteen hundred and sixty-nine.

| Date of sentence.  | Name of prisoner. | Crime.        | County.          | Term of sentence. |
|--------------------|-------------------|---------------|------------------|-------------------|
| January, 1869..... | Henry Quanto..... | Burglary..... | San Francisco... | One year.         |

DECISION.—Whereas, the County Judge and District Attorney having both represented to me that the facts of the case render the said Quanto a fit subject for Executive clemency, that serious doubts exist as to any criminal intent on the part of said Quanto; and whereas, a petition was signed by all the members of the jury at the time of trial, praying for pardon, and it appearing that said Quanto is quite young and has previously borne a good character—now, therefore, let him be pardoned. February twenty-seventh, eighteen hundred and sixty-nine.

| Date of sentence. | Name of prisoner.   | Crime.             | County.         | Term of sentence. |
|-------------------|---------------------|--------------------|-----------------|-------------------|
| May, 1856.....    | Samuel J. Hall..... | Grand larceny..... | Sacramento..... | Twenty-one years. |

DECISION.—Whereas, the said Hall was recommended for pardon by the Board of Prison Directors, in their report to the Legislature at its seventeenth session; and whereas, the Judge that sentenced him has urgently solicited his pardon on the ground of the excessive severity of the sentence; and whereas, the said Hall is becoming advanced in years and is in failing health—now, therefore, let him be pardoned and restored to citizenship. March third, eighteen hundred and sixty-nine.

## LIST OF PARDONS—Continued.

| Date of sentence. | Name of prisoner.  | Crime.             | County.          | Term of sentence.       |
|-------------------|--------------------|--------------------|------------------|-------------------------|
| May, 1868.....    | Timothy Lynch..... | Grand larceny..... | San Francisco... | Two and one-half years. |

DECISION.—Whereas, it has been certified to me by the physician of the prison, that the said Lynch is lying at the point of death—now, therefore, let him be pardoned. April seventh, eighteen hundred and sixty-nine.

| Date of sentence.  | Name of prisoner.    | Crime.             | County.          | Term of sentence. |
|--------------------|----------------------|--------------------|------------------|-------------------|
| September, 1868... | Luther Thompson..... | Grand larceny..... | San Francisco... | Two years.        |

DECISION.—Whereas, by the certificate of the physician of the prison, it has been made known to me that the said Thompson is in a dying condition—now, therefore, let him be pardoned. April fifteenth, eighteen hundred and sixty-nine.

| Date of sentence. | Name of prisoner.     | Crime.        | County.         | Term of sentence. |
|-------------------|-----------------------|---------------|-----------------|-------------------|
| July, 1866.....   | Dolores Castillo..... | Robbery ..... | Los Angeles.... | Five years.       |

DECISION.—Whereas, by the certificate of the physician of the prison, it has been made known to me that the said Castillo is in a dying condition—now, therefore, let him be pardoned. April seventeenth, eighteen hundred and sixty-nine.

| Date of sentence. | Name of prisoner.    | Crime.              | County.         | Term of sentence. |
|-------------------|----------------------|---------------------|-----------------|-------------------|
| — 1857.....       | Ezekiel Bullock..... | Murder in 2d degree | Sacramento..... | Fourteen years.   |

DECISION.—Whereas, the District Judge before whom he was tried and the District Attorney who prosecuted him, together with the prosecuting witnesses and a number of the most respectable citizens of Sacramento County, have requested his pardon; and whereas, he has been in confinement for a period of about twelve years and his conduct has been uniformly good, and but little more than six months remain of his term of imprisonment—now, therefore, let him be pardoned and restored to citizenship. June fourteenth, eighteen hundred and sixty-nine.



## LIST OF PARDONS—Continued.

| Date of sentence.  | Name of prisoner. | Crime.        | County.        | Term of sentence. |
|--------------------|-------------------|---------------|----------------|-------------------|
| January, 1864..... | W. F. Holt.....   | Robbery ..... | Calaveras..... | Ten years.        |

**DECISION.**—Whereas, the physician of the prison has certified to me that the said Holt is in imminent danger of dying from pulmonary consumption and that there is no prospect of his recovery—now, therefore, let him be pardoned. June fourteenth, eighteen hundred and sixty-nine.

| Date of sentence. | Name of prisoner.  | Crime.         | County.         | Term of sentence. |
|-------------------|--------------------|----------------|-----------------|-------------------|
| May, 1867.....    | Thomas Harmon..... | Burglary ..... | Sacramento..... | Ten years.        |

**DECISION.**—Whereas, the physician of the prison has certified to me that the said Harmon is in imminent danger of dying from pulmonary consumption, and that there is no prospect of recovery—now, therefore, let him be pardoned, with the condition, however, that if the said Harmon should be hereafter indicted for any criminal offence this pardon to be void. June fourteenth, eighteen hundred and sixty-nine.

| Date of sentence. | Name of prisoner.  | Crime.                              | County.         | Term of sentence. |
|-------------------|--------------------|-------------------------------------|-----------------|-------------------|
| July, 1865.....   | William Henry..... | Assault with intent to commit rape. | Sacramento..... | Fourteen years.   |

**DECISION.**—Whereas, the said Henry was recommended for pardon by the Board of Prison Directors, in their report to the Legislature at its seventeenth session; and whereas, it appears there is some doubt as to his guilt, arising from his mental condition at the time of his alleged offence; and whereas, the conduct of the said Henry during his incarceration has been uniformly good—now, therefore, let him be pardoned, upon condition of his leaving the State of California, never to return, within ten days of the delivery of this pardon to him; in the event of his return, this pardon to be void. August nineteenth, eighteen hundred and sixty-nine.

| Date of sentence. | Name of prisoner.   | Crime.                                | County.          | Term of sentence. |
|-------------------|---------------------|---------------------------------------|------------------|-------------------|
| September, 1867.. | William Harris..... | Assault with intent to commit murder. | Los Angeles..... | Four years.       |

**DECISION.**—Whereas, the County Judge before whom the case was tried, the District Attorney who prosecuted the prisoner, and nine of the jurors, have petitioned for the pardon of the said Harris, on the ground of his youth and his previous exemplary conduct, and on the further grounds of there being grave doubts as to any guilt attaching to him; and whereas, about one-half of his term of imprisonment has expired—now, therefore, let him be pardoned and restored to citizenship. September fourth, eighteen hundred and sixty-nine.

## LIST OF PARDONS—Continued.

| Date of sentence.  | Name of prisoner.    | Crime.                                | County.          | Term of sentence. |
|--------------------|----------------------|---------------------------------------|------------------|-------------------|
| September, 1867 .. | Frank St. Clair..... | Assault with intent to commit murder. | Los Angeles..... | Four years.       |

DECISION.—Whereas, the County Judge before whom the case was tried, the District Attorney who prosecuted the prisoner, and nine of the jurors, have petitioned for the pardon of the said St. Clair, on the ground of his youth and his previous exemplary conduct, and on the further grounds of there being grave doubts as to any guilt attaching to him; and whereas, about one-half of his term of imprisonment has expired—now, therefore, let him be pardoned and restored to citizenship. September fourth, eighteen hundred and sixty-nine.

| Date of sentence.  | Name of prisoner.     | Crime.       | County.          | Term of sentence. |
|--------------------|-----------------------|--------------|------------------|-------------------|
| January, 1869..... | William H. Geary..... | Forgery..... | San Joaquin..... | Three years.      |

DECISION.—Whereas, a petition has been presented to me, signed by a large number of respectable citizens of San Joaquin County, representing that the amount of the forgery was trivial, and the prisoner is very young, and that this is his first offence; and whereas, the person whose name was forged solicits the pardon of said Geary, with the belief that such clemency may reclaim him and restore him to a respectable position in society—now, therefore, let him be pardoned and restored to citizenship. September eleventh, eighteen hundred and sixty-nine.

| Date of sentence. | Name of prisoner.   | Crime.             | County.       | Term of sentence. |
|-------------------|---------------------|--------------------|---------------|-------------------|
| July, 1865.....   | James Lawrence..... | Grand larceny..... | Mariposa..... | Eight years.      |

DECISION.—Whereas, the said Lawrence was recommended for Executive clemency by the Board of Prison Directors, at the last session of the Legislature, and said recommendation has been indorsed by several of the leading citizens of Mariposa County; and whereas, said Lawrence has conducted himself well in prison, and his previous character was good—now, therefore, let him be pardoned and restored to citizenship. September eleventh, eighteen hundred and sixty-nine.

| Date of sentence.   | Name of prisoner. | Crime.             | County.         | Term of sentence.  |
|---------------------|-------------------|--------------------|-----------------|--------------------|
| January, 1868 ..... | Thomas Smith..... | Grand larceny..... | San Francisco.. | Two and a half yrs |

DECISION.—Whereas, the County Judge before whom the case was tried, and the District Attorney who prosecuted the prisoner, have recommended the pardon of the said Smith, on the ground of there being many mitigating circumstances in his case, and that, by inadvertence or misapprehension, his sentence was for a longer term than was intended—now, therefore, let him be pardoned and restored to citizenship. September eleventh, eighteen hundred and sixty-nine.

## LIST OF PARDONS FROM STATE PRISON,

GRANTED BY ACTING GOVERNOR WILLIAM HOLDEN,

*From September 13th, 1869, to October 29th, 1869.*

| Date of sentence.   | Name of prisoner.      | Crime.                | County.          | Term of sentence. |
|---------------------|------------------------|-----------------------|------------------|-------------------|
| January, 1865 ..... | James Fitz Morris..... | Assault to murder.... | San Francisco... | Ten years.        |

DECISION.—Whereas, the said Fitz Morris rendered valuable services to the officers of the prison at the time of the change of administration; and whereas, the pardon of the said Fitz Morris has been requested by a large number of most respectable citizens of San Francisco—now, therefore, let him be pardoned and restored to citizenship. September twenty-ninth, eighteen hundred and sixty-nine.

| Date of sentence. | Name of prisoner.  | Crime.               | County.     | Term of sentence. |
|-------------------|--------------------|----------------------|-------------|-------------------|
| April, 1869.....  | Josiah Faylor..... | Assault to murder... | Sonoma..... | One year.         |

DECISION.—Whereas, the County Judge, the District Attorney, the county officers and eight of the jurors, have urgently solicited the pardon of the said Faylor; and whereas, there are grave doubts as to his guilt—now, therefore, let him be pardoned and restored to citizenship. September thirtieth, eighteen hundred and sixty-nine.

| Date of sentence.   | Name of prisoner.     | Crime.     | County.         | Term of sentence. |
|---------------------|-----------------------|------------|-----------------|-------------------|
| January, 1865 ..... | Phillip Phillips..... | Arson..... | San Francisco.. | Ten years.        |

DECISION.—Whereas, numerous respectable citizens of San Francisco have urgently solicited the pardon of the said Phillips, on the ground of mitigating circumstances and excessive character of sentence; and whereas, he has served nearly one-half of his term of imprisonment, and his conduct in prison has been good; and whereas, it has been certified to me by responsible parties that he bore a good character previous to the commission of the alleged offence—now, therefore, let him be pardoned and restored to citizenship. October fourteenth, eighteen hundred and sixty-nine.

## LIST OF PARDONS—Continued.

| Date of sentence.  | Name of prisoner.   | Crime.       | County.      | Term of sentence. |
|--------------------|---------------------|--------------|--------------|-------------------|
| September, 1868... | Jno. W. Harden..... | Mayhem ..... | Placer ..... | Eleven years.     |

DECISION.—Whereas, it appears from a close examination of the evidence that there was an entire absence of an intention on the part of the said Harden to commit the crime with which he was charged and that the mayhem was an accident, resulting from the very natural resistance on the part of Harden of an assault upon him by the party injured—now, therefore, let him be pardoned and restored to citizenship. October fifteenth, eighteen hundred and sixty-nine.

| Date of sentence.  | Name of prisoner.      | Crime.              | County.          | Term of sentence. |
|--------------------|------------------------|---------------------|------------------|-------------------|
| September, 1863... | Pasqualina Larcare.... | Murder in 2d degree | San Francisco... | Life.             |

DECISION.—Whereas, a reasonable doubt exists as to the guilt of the said Larcare—now, therefore, let her be pardoned. October twenty-sixth, eighteen hundred and sixty-nine.

| Date of sentence.  | Name of prisoner. | Crime.            | County.          | Term of sentence. |
|--------------------|-------------------|-------------------|------------------|-------------------|
| September, 1868... | Michel Bodie..... | Manslaughter..... | Santa Clara..... | Five years.       |

DECISION.—Whereas, a petition has been laid before me signed by the District Judge, District Attorney and six of the jurors, soliciting the pardon of the said Bodie; and whereas, letters have been received to the same effect from prominent citizens of Santa Clara County—now, therefore, let him be pardoned, with the express condition, however, that he leave the State never to return, within twenty days from date of this pardon. October twenty-sixth, eighteen hundred and sixty-nine.

| Date of sentence. | Name of prisoner. | Crime.              | County.     | Term of sentence. |
|-------------------|-------------------|---------------------|-------------|-------------------|
| — 1863.....       | Jno. Foran.....   | Murder in 2d degree | Butte ..... | Fifteen years.    |

DECISION.—Whereas, the said Foran was recommended for pardon by the Board of Prison Directors, in their report to the Legislature at its seventeenth session; and whereas, his pardon has been urged by the Judge, the prosecuting attorney and his assistant, and also by a large number of prominent citizens of Butte County—now, therefore, let him be pardoned and restored to citizenship. October twenty-seventh, eighteen hundred and sixty-nine.

## LIST OF PARDONS FROM COUNTY JAIL,

GRANTED BY GOVERNOR H. H. HAIGHT,

*From December 5th, 1867, to November 1st, 1869.*

| Date of sentence. | Name of prisoner.  | Crime.             | County.          | Term of sentence. |
|-------------------|--------------------|--------------------|------------------|-------------------|
| December, 1867... | Robert Collis..... | Petit larceny..... | San Francisco... | Six months.       |

DECISION.—Whereas, numerous respectable citizens of San Francisco have petitioned for the pardon of the said Collis, among the number the gentleman upon whom the theft was perpetrated; and whereas, Judge Rix, before whom the case was tried, has testified that owing to misinformation, the term of sentence was made twice as long as it should have been—now, therefore, let him be pardoned. March tenth, eighteen hundred and sixty-eight.

| Date of sentence. | Name of prisoner.    | Crime.              | County.          | Term of sentence.         |
|-------------------|----------------------|---------------------|------------------|---------------------------|
| December, 1868... | Nicolas Sanchez..... | Petit larceny ..... | Santa Clara..... | Two years and two months. |

DECISION.—Whereas, Nicolas Sanchez is a prisoner confined in the common jail of Santa Clara County, upon six several convictions, upon charges of the crime of petit larceny committed within said county; and whereas, the several sentences, being cumulative, extend the period of the prisoner's confinement from December, eighteen hundred and sixty-eight, to February, eighteen hundred and seventy; and whereas, the county physician and other officers of the county have certified that the said Sanchez is so affected with tubercular disease of the lungs as to be beyond the hope of recovery—now, therefore, let him be pardoned. August fourth, eighteen hundred and sixty-nine.

# COMMUTATIONS OF SENTENCE,

GRANTED BY GOVERNOR H. H. HAIGHT.

*From December 5th, 1867, to November 1st, 1869.*

| Date of sentence. | Name of prisoner. | Crime.               | County.      | Sentence. |
|-------------------|-------------------|----------------------|--------------|-----------|
| May, 1867.....    | James Tivis.....  | Murder in 1st degree | Colusa ..... | Death.    |

**DECISION.**—A petition has been received, signed by the Sheriff, the County Judge, and by a large number of the most prominent citizens of said county, as well as by respectable citizens of the City of Marysville, praying for a commutation of sentence of the said Tivis; and whereas, the evidence given upon the trial, as shown by the statement furnished me by the Clerk of the Court, appears vague and unsatisfactory, and I can find nothing in it that proves the act to have been "wilful, deliberate and premeditated," but, on the contrary, goes to show that the homicide was the result of sudden passion, which clearly makes the grade of the crime no higher than murder in the second degree—now, therefore, by virtue of the authority in me vested by the constitution and laws of this State, I, H. H. Haight, hereby commute the sentence of the said James Tivis to imprisonment in the State Prison for the term of thirty years, dating from the day of his entrance in the prison. January eighth, eighteen hundred and sixty-eight.

| Date of sentence. | Name of prisoner.     | Crime.               | County.     | Sentence. |
|-------------------|-----------------------|----------------------|-------------|-----------|
| June, 1867.....   | Richard Thompson..... | Murder in 1st degree | Lassen..... | Death.    |

**DECISION.**—A petition has been received, signed by a large number of the people of Lassen County, praying for the commutation of said sentence, and the District Judge before whom the case was tried has, by letter, united in the request contained in said petition; and whereas, upon examination of the evidence, it appears doubtful whether the said Thompson is guilty of murder in the first degree, and whether the conviction should not have been for murder in the second degree—now, therefore, let his sentence be commuted to imprisonment in the State Prison for the term of his natural life. January sixth, eighteen hundred and sixty-nine.

| Date of sentence.  | Name of prisoner.     | Crime.               | County.         | Sentence. |
|--------------------|-----------------------|----------------------|-----------------|-----------|
| September, 1868... | Francisco X. Bonilla. | Murder in 1st degree | Santa Barbara.. | Death.    |

**DECISION.**—Whereas, urgent intercessions have been made in behalf of the said Bonilla, for commutation to imprisonment in the State Prison, by the District Judge before whom the case was tried, and by the Mexican Consul; and in further consideration of the youth of the criminal, he being but eighteen years of age—now, therefore, let his sentence be commuted to imprisonment in the State Prison for the term of his natural life. January eighteenth, eighteen hundred and sixty-nine.

# REPRIEVES OF SENTENCE,

GRANTED BY GOVERNOR H. H. HAIGHT,

*From December 5th, 1867, to November 1st, 1868*

| Date of sentence. | Name of prisoner.   | Crime.               | County.    | Sentence. |
|-------------------|---------------------|----------------------|------------|-----------|
| December, 1866... | Timothy Cronin..... | Murder in 1st degree | Marin..... | Death.*   |

\* Sentenced to be executed April third, eighteen hundred and sixty-eight.

DECISION.—Whereas, prominent citizens of San Francisco have urgently solicited me to reprieve the said Cronin, in order that he may be enabled to make preparations for his approaching end—now, therefore, let him be reprieved until the eighth day of May, eighteen hundred and sixty-eight. April second, eighteen hundred and sixty-eight.

| Date of sentence. | Name of prisoner.  | Crime.             | County.     | Term of sentence. |
|-------------------|--------------------|--------------------|-------------|-------------------|
| December, 1867... | A. J. Millsap..... | Manslaughter... .. | Colusa..... | Four years.       |

DECISION.—Whereas, it is represented to me by a large number of respectable citizens of Colusa County, including the county officers and others, that there is sufficient reason for the exercise of Executive clemency in the case of A. J. Millsap, convicted of the crime of manslaughter—now, therefore, for the purpose of affording time to inquire into the facts and circumstances of the case, I do hereby reprieve said Millsap for the period of twenty days from this date, and direct that sentence be suspended during that period. July twenty-seventh, eighteen hundred and sixty-eight.

| Date of sentence. | Name of prisoner.     | Crime.               | County.        | Sentence. |
|-------------------|-----------------------|----------------------|----------------|-----------|
| September, 1868.. | Francisco X. Bonilla. | Murder in 1st degree | Santa Barbara. | Death.*   |

\* Sentenced to be hanged November twenty-eighth, eighteen hundred and sixty eight.

DECISION.—Whereas, application has been made, by petition of a large number of respectable citizens of Los Angeles and Santa Barbara Counties, for commutation of the sentence of the said Bonilla—now, therefore, for the purpose of allowing time for an examination of the facts in the case, the said Bonilla is hereby reprieved until Friday, January eighth, eighteen hundred and sixty-nine. November twenty-fourth, eighteen hundred and sixty-eight.

# REPRIEVES OF SENTENCES—Continued.

| Date of sentence. | Name of prisoner.    | Crime.               | County.     | Sentence. |
|-------------------|----------------------|----------------------|-------------|-----------|
| June, 1867.....   | Richard Thompson.... | Murder in 1st degree | Lassen..... | Death.    |

**DECISION.**—Whereas, at the June term, eighteen hundred and sixty-seven, of the Second Judicial District Court, held in and for the County of Lassen, Richard Thompson was convicted of the crime of murder, first degree, and was sentenced by said Court at its October term, eighteen hundred and sixty-eight, to be executed on the eighteenth day of December, eighteen hundred and sixty-eight—now, therefore, in order to allow time for an examination into the facts of the case, the said Thompson is hereby reprieved until Friday, the twenty-second day of January, eighteen hundred and sixty-nine. December first, eighteen hundred and sixty-eight.

| Date of sentence.  | Name of prisoner.      | Crime.               | County.         | Sentence. |
|--------------------|------------------------|----------------------|-----------------|-----------|
| September, 1868... | Francisco X. Bonilla.. | Murder in 1st degree | Santa Barbara.. | Death.*   |

\* Sentenced to be hanged November twenty-eighth, eighteen hundred and sixty-eight.

**DECISION.**—In the case of Francisco Xavier Bonilla, under sentence of death in Santa Barbara County, and whose execution has been heretofore postponed until the eighth day of January instant, an application for the commutation of his sentence having been made and declined, and an application having been made by Hon. José Godoy, Mexican Consul, for a respite until the twenty-second day of January instant, to enable the condemned to make such preparations for death as will be possible in the interim—now, therefore, at the intercession of said Consul, and in view of all the facts, I do hereby grant a further respite until said twenty-second day of January, eighteen hundred and sixty-nine, and direct that the execution of the sentence of the District Court of the First Judicial District, in the case of the People vs. Francisco Xavier Bonilla, be postponed until Friday, the twenty-second day of January, eighteen hundred and sixty-nine, at which time it will be carried into effect unless otherwise ordered. January fourth, eighteen hundred and sixty-nine.



# RESTORATIONS TO CITIZENSHIP

BY GOVERNOR H. H. HAIGHT.

From December 5th, 1867, to November 1st, 1869.

The following persons, for reason of their good conduct since their release from prison, and representations having been made which induced the belief that they were proper subjects for restoration to citizenship, have been restored to all the rights and privileges to which they were entitled before their several convictions and imprisonments—at the several times below mentioned :

| Date of sentence.    | Name of person restored.   | Crime.                      | County.             | Term of sentence.           | When restored.        |
|----------------------|--|-----------------------------|---------------------|-----------------------------|-----------------------|
| October, 1862.....   | Martin Carty.....  | Assault to murder.....      | Sacramento.....     | Three years.....            | December 6th, 1867.   |
| November, 1865.....  | Thomas A. Scott.....   | Arson in second degree..... | San Francisco.....  | Two years.....              | January 2d, 1868.     |
| September, 1860..... | William Lodge.....   | Robbery.....                | San Francisco.....  | One year.....               | January 23d, 1868.    |
| November, 1864.....  | Morris J. Owen.....  | Assault to murder.....      | Nevada.....         | Three years.....            | February 3d, 1868.    |
| August, 1865.....    | Martin Anderson.....   | Burglary.....               | Nevada.....         | Two years.....              | March 16th, 1868.     |
| September, 1864..... | Joseph Coffin.....   | Grand larceny.....          | Mendocino.....      | Four years.....             | May 1st, 1868.        |
| November, 1866.....  | John Anderson.....   | Burglary.....               | San Francisco.....  | One and one-half years..... | May 20th, 1868.       |
| October, 1863.....   | Gustavus Barron.....   | Grand larceny.....          | Sutter.....         | Two years.....              | May 21st, 1868.       |
| —, 1861.....         | Morris Bernstein.....  | Burglary.....               | San Francisco.....  | Two years.....              | May 21st, 1868.       |
| January, 1865.....   | George Wardell.....  | Burglary.....               | San Francisco.....  | Two years.....              | June 20th, 1868.      |
| May, 1864.....       | Richard Widding.....   | Grand larceny.....          | Solano.....         | One year.....               | September 16th, 1868. |
| May, 1861.....       | Joseph Harris.....   | Burglary.....               | San Francisco.....  | Two years.....              | September 25th, 1868. |
| November, 1865.....  | John McDonnell.....  | Grand larceny.....          | Solano.....         | One and one-half years..... | October 1st, 1868.    |
| August, 1863.....    | Angel Mora.....  | Manslaughter.....           | Los Angeles.....    | One hundred days.....       | November 30th, 1868.  |
| March, 1868.....     | William Farrell.....   | Felony.....                 | Marin.....          | One year.....               | February 3d, 1869.    |
| October, 1867.....   | W. H. Piper.....   | Robbery.....                | San Bernardino..... | One and one-half years..... | February 3d, 1869.    |
| May, 1867.....       | Thomas Jones.....  | Grand larceny.....          | San Bernardino..... | Two years.....              | March 3d, 1869.       |
| September, 1855..... | Frank D. Briare.....   | Robbery.....                | Sacramento.....     | Two years.....              | March 6th, 1869.      |
| May, 1859.....       | — Maxfield.....  | Burglary.....               | San Francisco.....  | Four years.....             | April 5th, 1869.      |
| June, 1856.....      | Isaac Adolph Norton,<br>alias Adolph Newton,<br>Thomas Boyne, alias<br>Thomas Bowen. | Highway robbery.....        | Shasta.....         | Ten years.....              | July 17th, 1869.      |
| July, 1856.....      | Charles Mitchell, alias<br>William Mickie.   | Grand larceny.....          | San Francisco ..    | One year.....               | August 30th, 1869.    |
| January, 1854.....   | Isaac Tankley.....   | Highway robbery.....        | San Francisco.....  | Ten years.....              | August 30th, 1869.    |
| June, 1865.....      | Isaac Tankley.....   | Robbery.....                | Placer.....         | Fourteen years.....         | September 22d, 1869.  |

On motion of Mr. Lewis, the reading of the message was dispensed with.

At eleven o'clock and twenty-six minutes P. M., on motion of Mr. Murch, the Senate adjourned until eleven o'clock to-morrow.

**WILLIAM HOLDEN,**  
President of the Senate.

Attest: **JOSEPH ROBERTS, Jr.,** Secretary of Senate.

## IN SENATE.

**SENATE CHAMBER,**  
Friday, December 10th, 1869. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called and quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

**MR. PRESIDENT:** Your Committee on Engrossment respectfully report that they have found correctly engrossed, Senate Bill No. 1—An Act amendatory of and supplementary to an Act entitled an Act to provide additional revenue for the School Department of the City and County of San Francisco, and to change the time and manner of electing the Superintendent of Public Schools of said city and county, approved March thirtieth, eighteen hundred and sixty-eight.

**O'CONNOR,** Chairman.

## STANDING COMMITTEES.

The President announced the appointment of the following standing committees:

### ON EDUCATION.

Messrs. Maclay, Gwin, O'Connor, Wilson and Conly.

### ON FEDERAL RELATIONS.

Messrs. Farley, Banvard, Wand, Perkins and Roberts.

### ON MINES AND MINING INTERESTS.

Messrs. Gwin, Larkin, Mandeville, Irwin, Hutchings, Roberts and Conly.

## ON PRINTING.

Messrs. Lawrence, Mandeville, Hunter, Irwin and Green.

## ON TIDE LANDS.

Joint Committee appointed in pursuance of the resolution adopted on Wednesday, relative to tide lands : Messrs. Minis, Comte and Pendegast. The President also announced the appointment of Charles B. Newman, as Floor Page.

## PETITIONS.

Petitions were presented as follows :

By Mr. Roberts, from the Board of Supervisors of the Town of Grass Valley, asking for a change of the boundary lines of said town, so as to make them conform to the legal subdivisions of the survey by the United States. Also, a petition from certain citizens of said town, who are affected by the contemplated change.

Referred to the Nevada delegation.

## REPORTS.

Reports were made as follows :

Mr. Kincaid, from the Committee on Mileage, made the following report :

Mr. PRESIDENT: The Committee on Mileage submit the following report, which is based upon the legal distances from the various county seats to the Capital, adding to or deducting from that distance as the Senator resides nearer or further than the county seat from Capital :

| Names.                | Miles. | Amount. |
|-----------------------|--------|---------|
| Wm. Holden.....       | 420    | \$84 00 |
| E. M. Banvard.....    | 140    | 28 00   |
| H. Beach.....         | 100    | 20 00   |
| R. A. Betge.....      | 234    | 46 80   |
| Wm. Burnett.....      | 260    | 52 00   |
| J. N. Chappell ..     | 370    | 74 00   |
| A. Comte, Jr.....     |        |         |
| John Conly.....       | 244    | 48 80   |
| W. A. Conn.....       | 1,200  | 240 00  |
| N. G. Curtis.....     |        |         |
| J. T. Farley.....     | 110    | 22 00   |
| T. Fowler.....        | 500    | 100 00  |
| J. J. Green.....      | 270    | 54 00   |
| Wm. M. Gwin, Jr.....  | 150    | 30 00   |
| J. S. Hager.....      | 234    | 46 80   |
| G. W. Hunter.....     | 110    | 22 00   |
| S. C. Hutchings.....  | 100    | 20 00   |
| Wm. Irwin.....        | 700    | 140 00  |
| H. Kincaid.....       | 280    | 56 00   |
| H. Larkin.....        | 110    | 22 00   |
| J. H. Lawrence.....   | 290    | 58 00   |
| E. J. Lewis.....      | 290    | 58 00   |
| C. Macclay.....       | 300    | 60 00   |
| J. W. Mandeville..... | 230    | 46 00   |

| Names.                | Miles. | Amount. |
|-----------------------|--------|---------|
| F. A. McDougall ..... | 384    | 76 80   |
| Wm. Minis .....       | 40     | 8 00    |
| D. L. Morrill .....   | 175    | 35 00   |
| L. H. Murch.....      | 950    | 190 00  |
| M. P. O'Connor.....   | 130    | 26 00   |
| N. M. Orr.....        | 90     | 18 00   |
| R. Pacheco.....       | 870    | 174 00  |
| W. W. Pendegast ..... | 120    | 24 00   |
| G. C. Perkins .....   | 150    | 30 00   |
| E. W. Roberts .....   | 130    | 26 00   |
| J. H. Saunders.....   | 234    | 46 80   |
| E. Tompkins .....     | 270    | 54 00   |
| H. K. Turner .....    | 220    | 44 00   |
| C. A. Tweed.....      | 70     | 14 00   |
| T. N. Wand .....      | 234    | 46 80   |
| B. D. Wilson.....     | 1,100  | 220 00  |
| S. Wing.....          | 230    | 46 00   |

Your Committee on Mileage would further respectfully report the following amounts due, under the resolution adopted December eighth, eighteen hundred and sixty-nine, allowing one week's pay and mileage to each officer and attaché of the last Senate who has been in attendance and assisted in the organization of the present Senate :

| Names.  | Miles. | Amount. |
|---|--------|---------|
| John White, of San Francisco, Secretary of Senate....                       | 234    | \$46 80 |
| W. F. Huestis, of Humboldt County, Assistant Secretary of Senate.....       | 780    | 156 00  |
| G. W. Dixon, of Grass Valley, Assistant Secretary at desk .....             | 130    | 26 00   |
| C. E. Barnes, of Quincy, Plumas County, Minute Clerk .....                  | 244    | 48 80   |
| W. L. Hawkins, of Gold Run, Placer County, Enrolling Clerk .....            | 136    | 37 20   |
| Ellis Edwards, of Susanville, Lassen County, Clerk to Sergeant-at-Arms..... | 500    | 100 00  |
| T. Mahoney, of San Francisco, Assistant Sergeant-at-Arms .....              | 234    | 46 80   |
| J. J. Thomas, of San Francisco, Porter.....                                 | 234    | 46 80   |
| John O'Connell, of San Francisco, Porter.....                               | 234    | 46 80   |
| C. Pawning, of Grass Valley, Paper Folder.....                              | 130    | 26 00   |
| Willie Ormsby, of Marysville, Page.....                                     | 100    | 20 00   |
| H. C. Maguire, of Grass Valley, Page.....                                   | 130    | 26 00   |
| L. Berger, of Petaluma, Page.....   | 260    | 52 00   |

KINCAID, Chairman.

Mr. Lewis moved to suspend the rules and consider the report now.  
Carried.

The report was read a second time and adopted.

Mr. Morrill, from the Committee on Enrolment, made the following report :

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 1—An Act amendatory of and supplementary to an Act to provide additional revenue for the School Department of the City and County of San Francisco, and to change the time and manner of electing the Superintendent of Public Schools of said city and county, approved March thirtieth, eighteen hundred and sixty-eight—and on the ninth day of December, eighteen hundred and sixty-nine, at five o'clock and thirty-five minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. Curtis verbally reported back Senate Concurrent Resolution No. 5, providing for the location of a passable and safe route from the Capitol building to the habitable portion of Sacramento, without recommendation.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
December 8th, 1869. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Senate this day passed Senate Bill No. 1—An Act amendatory of and supplementary to an Act entitled an Act to provide additional revenue for the School Department of the City and County of San Francisco, and to change the time and manner of electing a Superintendent of Public Schools of said city and county, approved March thirtieth, eighteen hundred and sixty-eight. Also, Assembly concurrent resolution relative to the appointment of a joint committee to inform the Governor of the organization of the two Houses.

MOFFET,  
Assistant Clerk.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Roberts—An Act to provide for the equalization of the State tax among the several counties of the State, and for the appointment of a State Board of Equalization.

Read first and second times, ordered on file, and two hundred and forty copies ordered printed.

By Mr. Beach—An Act authorizing and directing the conversion of certain legal tender notes in the State treasury into gold coin.

Read first and second times and placed on file.

By Mr. Wand—An Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of

justice in this State, passed April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times and placed on file.

By Mr. Wand—An Act granting to certain parties the right of way for a railroad track within the corporate limits of the City and County of San Francisco, and to run horse cars thereon.

Read first and second times and referred to the San Francisco delegation.

By Mr. Burnett—An Act for the relief of purchasers of lands of the State of California.

Read first and second times and placed on file.

By Mr. Lawrence—An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county expenditures.

Read first and second times and placed on file.

#### MOTIONS, RESOLUTIONS AND NOTICES.

Notices of the introduction of bills were given as follows :

Mr. Perkins gave notice that he would, at an early day, introduce a bill proposing a change in the Constitution of the State, as to the time of holding the judicial election.

Mr. Lewis gave notice that he would, at an early day, introduce a bill concerning elections.

Mr. Perkins introduced a joint resolution relative to the public lands of this State.

Mr. Fowler moved to lay the resolution on the table.

Lost.

On motion of Mr. Lewis, the resolution was placed on file and two hundred and forty copies ordered printed.

Mr. Lewis introduced the following resolution :

*Resolved*, That when the Senate adjourn, it adjourns to meet on Monday, at twelve o'clock M.

Mr. Betge moved to amend the resolution by striking out twelve o'clock M. and inserting in lieu thereof one o'clock P. M.

Adopted.

The resolution, as amended, was adopted.

Mr. Lawrence introduced the following resolution :

*Resolved*, That the Sergeant-at-Arms be and hereby is authorized to furnish the reporters and correspondents of the daily press, who have seats assigned them on the floor of the Senate, two copies each of all printed public documents that are distributed among members.

Adopted.

By Mr. Hager :

*Resolved*, That the Sergeant-at-Arms be directed to furnish each member of the Senate one additional daily newspaper, or the equivalent in weeklies.

On the adoption of the foregoing resolution, the ayes and noes were demanded by Messrs. Roberts, O'Connor and Lawrence, and the Senate refused, by the following vote :

**AYES**—Messrs. Beach, Betge, Chappell, Comte, Green, Hager, Hunter, Hutchings, Irwin, Kincaid, Lawrence, Lewis, Maclay, McDougall, Minis, Saunders, Tweed and Wand—18.

**NOES**—Messrs. Banvard, Burnett, Conn, Curtis, Farley, Fowler, Gwin, Larkin, Morrill, Murch, O'Connor, Orr, Pacheco, Perkins, Roberts, Tompkins, Turner, Wilson and Wing—19.

Mr. Lewis introduced the following resolution, which was read and referred to the Committee on Contingent Expenses:

*Resolved*, That Joseph R. Beard be and is hereby appointed Assistant Clerk at the desk, to receive the same per diem as established by law for Copying Clerks, payable out of the Contingent Fund of the Senate.

#### GENERAL FILE.

The Senate took up bills on the general file, as follows:

Senate Bill No. 2—An Act to repeal an Act entitled an Act to prohibit the carrying of concealed weapons, approved April twenty-seventh, eighteen hundred and sixty-three.

Read and passed on file.

Senate Bill No. 4—An Act to regulate amusements.

Read and passed on file.

Senate Bill No. 5—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, passed May seventeenth, eighteen hundred and sixty-one.

Read and passed on file.

Senate Bill No. 6—An Act concerning foreign corporations.

Read and passed on file.

Senate Bill No. 7—An Act to provide and pay for services rendered for the City and County of San Francisco.

Read and passed on file.

On motion of Mr. Roberts, at eleven o'clock and forty-seven minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

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#### IN SENATE.

SENATE CHAMBER,  
Monday, December 13th, 1869. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called and quorum present.

Prayer by the Chaplain.

The Journal of Friday was read and approved.

Leave of absence was granted to Messrs. Comte, Larkin, Chappell, Beach, Farley and Orr, for one day.

## STANDING COMMITTEES.

The President announced the appointment of the following standing committees:

## ON CLAIMS.

Messrs. Curtis, Conn, Morrill, Burnett and Tweed.

## ON JUDICIARY.

Messrs. Hager, Curtis, Farley, Lewis, Pendegast, Kincaid, Comte, Roberts and Tompkins.

## ON STATE HOSPITALS.

Messrs. McDougall, Burnett, Larkin, Wand and Orr.

## ON FINANCE.

Messrs. Banvard, Minis, Larkin, Wilson and Perkins.

## ON CORPORATIONS.

Messrs. Saunders, Larkin, Lawrence, Kincaid and Chappell.

## ON SWAMP, TIDE AND OVERFLOWED LANDS.

Messrs. Minis, Lawrence, Hutchings, Orr and Chappell.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Pendegast—An Act to secure the secrecy of the ballot.

Read first and second times and referred to the Committee on Elections, and ordered printed.

By Mr. Tweed—An Act to amend an Act entitled an Act regulating marriages, passed April twenty-second, eighteen hundred and fifty.

Read first and second times and placed on file.

Also, an Act to amend an Act entitled an Act concerning attorneys and counsellors at law, passed February nineteenth, A. D. eighteen hundred and fifty-one.

Read first and second times and placed on file.

Also, an Act to amend an Act entitled an Act concerning wills, passed April tenth, eighteen hundred and fifty.

Read first and second times and placed on file.

Also, an Act concerning witnesses.

Read first and second times and placed on file.

Also, an Act supplemental to an Act entitled an Act concerning divorces, passed March twenty-fifth, eighteen hundred and fifty-one.

Read first and second times and placed on file.

By Mr. Curtis—An Act to appropriate money for contingent expenses of the Legislature at its seventeenth session.

Read first and second times and placed on file.

By Mr. Fowler—An Act to provide for the payment of the State's portion of the salary of the County Auditor of Fresno County.

Read first and second times and, with accompanying documents, referred to Committee on Claims.



## NOTICE.

Mr. Gwin gave notice of the introduction of an Act to amend an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight, and to repeal an Act entitled an Act to authorize the sale and conveyance to the San Mateo Tanning and Manufacturing Company certain overflowed lands in the County of San Mateo, approved March thirtieth, eighteen hundred and sixty-eight.

Also, an Act to amend an Act entitled an Act to provide for the assessment and collection of taxes on migratory bands of stock, farm animals, and herds of hogs in the Counties of Tuolumne and Calaveras, approved March thirtieth, eighteen hundred and sixty-eight.

## INTRODUCTION OF BILLS.

By Mr. Lawrence—An Act for the protection of white laborers.

Read first and second times, placed on general file and ordered printed.

By Mr. Green—An Act to restrict gaming.

Read first and second times, placed on general file and ordered printed.

By Mr. Murch—Proposed amendments to the Constitution.

Read and referred to the Judiciary Committee, and ordered printed.

By Mr. Betge—An Act to provide and pay for services rendered for the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

## MOTIONS, RESOLUTIONS AND NOTICES.

Notices of the introductions of bills were given as follows:

By Mr. Wand—An Act to reorganize the Board of Supervisors of the City and County of San Francisco.

Mr. Roberts introduced a concurrent resolution concerning the mineral lands in this State.

Read and referred to the Committee on Mines and Mining Interests, and ordered printed.

By Mr. Pendegast—An Act concerning the office of Public Administrator in and for Napa County.

Also, an Act concerning the Napa Valley Railroad Company.

By Mr. Maclay—An Act for a railroad commencing at deep water on the San Francisco Bay, to be built through the Counties of San Mateo, Santa Clara, Santa Cruz, and terminating at the City of Monterey.

Also, an Act to prevent the formation of combinations to prevent boys from learning trades.

Mr. Fowler offered the following:

**WHEREAS**, Upwards of one hundred thousand dollars has been expended for reclaiming swamp and overflowed land in Tulare, Fresno and Kern Counties; and whereas, great frauds have been committed in appropriating said moneys,

**Resolved**, That a committee of three be appointed by the President of the Senate, to investigate the matter and report to the Senate as early as possible.

Adopted.

Mr. Pendegast offered the following :

*Resolved*, That a committee of three be appointed to confer with the chief architect of the Capitol building, and such other persons as they may deem advisable, in regard to the difficulty of hearing in the Senate Chamber, and to report at an early day whether or not a plan may be devised by which said difficulty may be remedied, and such further information as they may obtain upon the subject.

Adopted.

By Mr. Maclay :

*Resolved*, That the Sergeant-at-Arms be directed to furnish each of the Clerks of the Senate with ten dollars worth of postage stamps or express envelopes, to be paid out of the Contingent Fund of the Senate.

Adopted.

Mr. Comte offered the following preamble and resolutions, to expunge from the Journal the judgment of the Senate, entered against James H. Hardy, on the fourteenth of May, eighteen hundred and sixty-two.

WHEREAS, The Assembly of the State of California did, on the twelfth day of April, eighteen hundred and sixty-two, exhibit to the Senate twenty-two articles of impeachment against James H. Hardy, then Judge of the Sixteenth Judicial District; and

WHEREAS, The said Senate did acquit the said James H. Hardy on all of said articles, except the following :

#### ARTICLE XV.

The said James H. Hardy, at various times within one year last past, and especially at the times and places hereinafter mentioned, while holding the office of District Judge, as aforesaid, and bound by his official oath to support the Constitution of the United States, has, in violation of his oath of office, and his duty and obligations as a Judge, publicly used seditious and treasonable language of, and concerning, the Constitution and Government of the United States, and aided and abetted, and given comfort to, the enemies of said Constitution and Government, as follows, viz :

*First*—On or about the twenty-fifth day of June, A. D. eighteen hundred and sixty-one, at the Town of Jackson, County of Amador, in the State aforesaid, he, the said James H. Hardy, then being Judge of the Sixteenth Judicial District, as aforesaid, and divers States of the United States of America, and divers of the people thereof, being then in open rebellion against the Government, Constitution and laws, and then actually in arms for that purpose, the said James H. Hardy, well knowing the premises, did then and there—viz : at the said Town of Jackson, County of Amador—in violation of his official oath and duty as such District Judge, openly give aid and comfort to the enemy, and wilfully, treasonably and corruptly aid and abet their treasonable purposes and practices by openly and publicly declaring, in the presence and hearing of divers citizens of the State of California, and giving a toast in substance as follows : “ Here is to Jeff. Davis (meaning one Jefferson Davis, then a leader of said rebels, and engaged in

said rebellion) and the Southern Confederacy" (meaning a certain pretended Government which said rebels had set up in opposition to and in defiance of the Constitution of the United States).

*Second*—On the same day, and at the same town and county, at a late hour of the night, the said James H. Hardy, District Judge as aforesaid, disturbed the public peace by shouting huzzas for said Davis.

*Third*—On the twenty-sixth day of June, A. D. eighteen hundred and sixty-one, at or near the Town of Angel, in the County of Calaveras, the said James H. Hardy, then Judge as aforesaid, in violation of his official oath and duty as aforesaid, seeing the American flag waving from a flagstaff, declared, in the presence and hearing of divers good citizens of the State of California, referring to said flag, substantially as follows: "That is an old woman's rag, and ought to be torn down."

*Fourth*—That on or about the twentieth day of August, eighteen hundred and sixty-one, the said James H. Hardy, then District Judge, as aforesaid, at said Mokelumne Hill, in a public bar room, offered substantially the following toast: "Here is to the stars and stripes; as to the Constitution, there is none—the Constitution is gone to hell."

*Fifth*—On the first day of March, A. D. eighteen hundred and sixty-two, at said Mokelumne Hill, and immediately after the adjournment of the February term of the District Court of the Sixteenth Judicial District, in and for said County of Calaveras, the said James H. Hardy, then District Judge as aforesaid, used substantially the following language, in presence of divers citizens of said county: "My Court has adjourned, and I am now off the bench; my mother was born in the South, and I am a rebel, and I don't care a damn who knows it."

*Sixth*—That at the City and in the County of Sacramento, on or about the second day of April, A. D. eighteen hundred and sixty-one, the said James H. Hardy, being then such District Judge as aforesaid, in violation of his said official oath and duty, offered, in a public barroom, substantially the following toast; "Gentlemen, I will give you the perpetuation of the Southern Confederacy and the sovereignty of Jeff. Davis, and may his name be perpetuated in the same light they hold the immortal Washington."

*Seventh*—That on or about the twenty-sixth day of June, eighteen hundred and sixty-one, the said James H. Hardy, then being District Judge as aforesaid, at Chile Gulch, in Calaveras County, in further violation of his official oath and duty, drank to the health of said Jeff. Davis and said Southern Confederacy.

*Eighth*—That on or about the first day of September, A. D. eighteen hundred and sixty-one, the said James H. Hardy, at Mokelumne Hill, in said County of Calaveras, being then and there District Judge of said Sixteenth Judicial District, as aforesaid, did, in violation of his said oath of office and duty, as aforesaid, publicly declare, in the presence and hearing of divers good citizens of this State, and say, in substance, as follows: "That he was a Secessionist, and that if a foreigner should come before him, holding the same sentiments that he, the said Hardy, entertained as a man towards the Constitution and Government of the United States, and applied for citizenship, he, the said Hardy, as a Judge, would not admit him to citizenship." Upon which said article the Senate, by a partizan vote, did find the said James H. Hardy guilty of high crimes and misdemeanors done and committed against the Government of the United States, and did, on

the fourteenth day of May, eighteen hundred and sixty-two, make and enter on the Journal of the Senate the following judgment:

*Resolved*, That James H. Hardy, being duly convicted of the high crimes and misdemeanors charged in article fifteen of the articles of impeachment presented by the Assembly, it is hereby adjudged that said James H. Hardy be and he is hereby declared suspended and removed from the office of District Judge of the Sixteenth Judicial District of the State;" and

**WHEREAS**, The power to punish offences against the Government of the United States is not reposed in the legislative or judicial organizations of a State; and

**WHEREAS**, The specifications under the said article fifteen charged that said high crimes and misdemeanors consisted of the use of "seditious and treasonable language," accusations unknown to our criminal jurisprudence; and

**WHEREAS**, The Senate of this State, in assuming jurisdiction to try, convict and punish for such alleged high crimes and misdemeanors against the Government of the United States, exceeded its legal authority, and thereby invaded the rights and privileges of the citizen, and placed before the country a dangerous precedent for future legislative and judicial action; and

**WHEREAS**, It being the opinion of the Senate of the State of California, that the action had in the case of James H. Hardy was superinduced by a spirit of partizan rancor and unhealthy excitement in the popular mind, and that justice demands and the safety of the citizen requires, that this body, as far as possible, shall efface all evidences of past vindictive legislation, to the end and that the safeguards of the Constitution and laws may remain intact and our form of Government be preserved; therefore be it

*Resolved*, That said judgment was entered without authority of law, and was illegal and void, and that the same ought to be expunged from the Journal; and be it further

*Resolved*, That the Secretary of the Senate shall, on Saturday, the eighth day of January, eighteen hundred and seventy, bring the written Journal of the session of eighteen hundred and sixty-two into the Senate, and then, in the presence of the Senate, in open session, draw black lines around the said judgment and write across the face thereof the words, "Expunged by order of the Senate of the State of California, this eighth day of January, eighteen hundred and seventy."

Referred to the Judiciary Committee, and ordered printed.

#### GENERAL FILE.

The Senate took up bills on the general file.

Senate Bill No. 2—An Act to repeal an Act entitled an Act to prohibit the carrying of concealed weapons, approved April twenty-seventh, eighteen hundred and sixty-three—was considered in Committee of the Whole and amended.

#### IN SENATE.

Bill reported back and amendments of committee adopted.

Rules suspended, bill considered engrossed, was read a third time and passed.

## GENERAL FILE RESUMED.

Senate Bill No. 4—An Act to regulate amusements.

Passed on file.

Senate Bill No. 5—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, passed May seventeenth, eighteen hundred and sixty-one.

Referred to Finance Committee.

Senate Bill No. 6—An Act concerning foreign corporations.

Referred to the Committee on Corporations.

Senate Bill No. 7—An Act to provide and pay for services rendered for the City and County of San Francisco.

Referred to San Francisco delegation.

Senate Bill No. 8—An Act to provide for the equalization of the State tax among the several counties of the State, and for the appointment of a State Board of Equalization.

Read and referred to the Judiciary Committee.

Senate Bill No. 10—An Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-seventh, eighteen hundred and sixty-three.

Read and referred to the Judiciary Committee.

Senate Bill No. 9—An Act authorizing and directing the conversion of certain legal tender notes in the State treasury into gold coin.

Referred to the Finance Committee.

Senate Bill No. 11—An Act to grant certain parties therein named the right of way for a railway track within the corporate limits of the City and County of San Francisco, and to run horse cars thereon.

Referred to the San Francisco delegation.

Senate Bill No. 12—An Act for the relief of purchasers of lands in the State of California.

Referred to the Committee on Public Lands.

Senate Bill No. 13—An Act to authorize the Board Supervisors of Mariposa County to levy an additional tax for county expenditures.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate joint resolution relative to the withdrawal of public lands was read and adopted.

## APPOINTMENTS.

The President announced the following appointments :

Committee on Swamp Lands (resolution by Mr. Fowler)—Messrs. Fowler, Lawrence and Orr.

Committee to confer with the architect as to the hearing of the Senate Chamber—Messrs. Pendegast, Comte and Wilson.

The rules were suspended, and Mr. Lewis had leave to introduce the following bill—An Act to pay the claim of H. F. Hastings, assignee of George Seckel, Clerk of the Supreme Court.

Read first and second times and referred to the Committee on Claims.

Mr. Burnett had leave to introduce a concurrent resolution relative to a mail route from Santa Rosa to Sebastopol.

Adopted.

## PETITION.

Mr Pacheco had leave to introduce a petition praying for an appropriation to aid the Catholic Orphan Asylum of Los Angeles.

Read and referred to the Finance Committee.

At two o'clock P. M., on motion of Mr. Maclay, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, December 14th, 1869. }

Senate met pursuant to adjournment.

The President in the chair.

Roll called and quorum present.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

Mr. Hager was granted leave of absence for one day.

## STANDING COMMITTEES.

The President announced the appointment of the following standing committees :

## ON INTERNAL IMPROVEMENTS.

Messrs. Conn, Fowler, Wilson, Pacheco and Beach.

## ON PUBLIC EXPENDITURES.

Messrs. Burnett, McDougall, Comte, Beach and Tweed.

## ON STATE LIBRARY.

Messrs. Irwin, Hunter and Tompkins.

## ON AGRICULTURE.

Messrs. Fowler, Hutchings, Minis, Wing and Orr.

## REPORT.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

**Mr. PRESIDENT:** The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 2—An Act to repeal an Act entitled an Act to prohibit the carrying of concealed weapons, approved April twenty-seventh, eighteen hundred and sixty-three.

Also, Senate Bill No. 13—An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county expenditures.

**M. P. O'CONNOR,**  
Chairman.

**MESSAGE FROM THE ASSEMBLY.**

The following message was received from the Assembly:

**ASSEMBLY CHAMBER,**  
December 13th, 1869. }

**Mr. PRESIDENT:** I am directed to inform your honorable body that the Assembly on this day passed, under suspension of the rules, the following concurrent resolution, on printing public documents:

*Resolved* by the Assembly, the Senate concurring, That public documents and official reports be ordered printed, as follows:

|  |               |
|--|---------------|
| Governor's message.....                    | 960 Spanish   |
| Controller's report.....                   | 2,400 English |
| Controller's report.....                   | 960 Spanish   |
| Surveyor-General's report.....             | 2,400 English |
| Surveyor-General's report.....             | 960 Spanish   |
| State Treasurer's report.....              | 1,920 English |
| State Treasurer's report.....              | 240 Spanish   |
| Superintendent of Schools' report.....     | 5,280 English |
| Superintendent of Schools' report.....     | 960 Spanish   |
| Adjutant-General's report.....             | 1,920 English |
| Secretary of State's report.....           | 960 English   |
| Attorney-General's report.....             | 960 English   |
| State Librarian's report.....              | 960 English   |
| State Geologist's report.....              | 2,400 English |
| Regents of the University's report.....    | 1,920 English |
| Insane Asylum report.....                  | 3,120 English |
| State Prison report.....                   | 4,320 English |
| State Harbor Commissioners' report.....    | 960 English   |
| State Capitol report.....                  | 480 English   |
| State Tide Land Commissioners' report..... | 1,920 English |

**ASSEMBLY CHAMBER,**  
December 14th, 1869. }

**Mr. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on yesterday, appointed E. L. Crawford Assistant Clerk at the Clerk's desk.

**FERRAL,**  
Chief Clerk.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Tompkins—An Act to authorize the Regents of the University of California, to establish a preparatory department.

Read first and second times and referred to the Committee on Education.

By Mr. Pendegast—An Act concerning the office of Public Administrator of Napa County.

Read first and second times and ordered on general file.

By Mr. Wand—An Act to reorganize the Board of Supervisors for the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation and ordered printed.

By Mr. Betge—An Act to change the name of William Smith.

Read first and second times and referred to the Judiciary Committee.

By Mr. Gwin—An Act to amend an Act entitled an Act to provide for the assessment and collection of taxes on migratory bands of stock, farm animals and herds of hogs in the Counties of Tuolumne and Calaveras, approved March thirtieth, eighteen hundred and sixty-eight.

Read first and second times and ordered on file.

By Mr. Fowler—An Act for the relief of L. P. Hall and Samuel J. Garrison.

Read first and second times and, with accompanying petition, referred to the Finance Committee.

## RESOLUTIONS.

Resolutions were introduced as follows :

By Mr. Pendegast :

*Resolved*, That Marcus R. Mayer be and is hereby appointed temporary Journal Clerk, pending the illness and necessary absence of Juan J. De la Guerra, at the same per diem, and that he have power to appoint an assistant, who shall receive like per diem.

Adopted.

By Mr. Maclay :

*Resolved*, That a committee of three be appointed by the Chair, to examine the different locations and sites proposed for the permanent location of the State Normal School.

Adopted.

By Mr. Gwin :

*Resolved*, That the President of the Senate be and he is hereby authorized to appoint the following attachés of the Senate, to wit : One Watchman, one Fireman, one Messenger, two Committee Porters and one Rear Porter, to receive four dollars per day each, to be paid out of the Contingent Fund of the Senate.

Adopted.

By Mr. Banvard :



*Resolved*, That the Finance Committee be authorized to employ a Clerk, at the usual per diem, payable out of the Contingent Fund of the Senate.

Mr. Morrill moved to amend the resolution by inserting after Finance Committee, Committee on Claims.

Lost.

The resolution was then adopted.

#### NOTICE.

Mr. Betge gave notice that he would, at an early day, introduce a bill in regard to the Geological Survey of California.

#### STATE NORMAL SCHOOL.

The President appointed Messrs. Maclay, Wilson and Chappell as committee, pursuant to the resolution introduced by Mr. Maclay relative to examining the different locations and sites proposed for the permanent location of the State Normal School.

#### NOTICE.

Mr. Farley gave notice that he would, at an early day, introduce a bill concerning insurance companies doing business in this State.

#### RESOLUTIONS.

The following resolution was introduced by Mr. O'Connor :

*Resolved*, That the Sergeant-at-Arms of the Senate be and he is hereby authorized and empowered to procure a suitable room for the Engrossing Clerk of the Senate, furnish the same in a proper manner, and provide said officer with necessary stationery.

Adopted.

Mr. Pendegast introduced a resolution paying James C. Ryan and Edward E. Clark one week's pay and mileage each, for services rendered during the organization of the Senate.

Referred to the Committee on Contingent Expenses.

By Mr. Maclay :

*Resolved*, That the Committee on Education be allowed to appoint a Clerk. Said Clerk to receive a per diem of six dollars, payable out of the Contingent Fund of the Senate.

Adopted.

[President pro tem. (Mr. Lewis) in the Chair.]

Mr. Lawrence moved to take up Assembly Joint Resolution No. 4, relative to printing public documents and official reports.

Adopted.

Mr. Green offered the following amendment :

*Resolved*, That four thousand copies of the report of the Warden of the State Prison be added to the report.

Lost.

Mr. Roberts offered the following amendment :

Amend by inserting, after the words "in Spanish," at the end of line seven, as follows : "and two thousand four hundred copies in German."

Adopted by the following vote, the ayes and noes having been demanded by Messrs. Roberts, Murch and Chappell :

**AYES**—Messrs. Betge, Burnett, Chappell, Comte, Conn, Curtis, Farley, Green, Gwin, Hunter, Hutchings, Kincaid, Larkin, Murch, O'Connor, Orr, Roberts, Tompkins, Turner, Wilson and Wing—21.

**NOES**—Messrs. Banvard, Beach, Irwin, Lawrence, Lewis, Maclay, Minis, Morrill, Pendegast, Perkins, Saunders, Tweed and Wand—13.

The resolution, as amended, was then adopted.

Mr. Green introduced the following resolution :

*Resolved* by the Senate, the Assembly concurring, That four thousand copies of the report of the Resident Director of the State Prison be printed.

Adopted.

#### BILLS INTRODUCED.

The rules were suspended for the introduction of the following bill :  
By Mr. Maclay—An Act to change the name of Luther W. Barney.  
Read first and second times and referred to the Judiciary Committee.

#### SPECIAL ORDER.

The hour of twelve o'clock M. having arrived, the hour fixed for the consideration of the general file (the special order of the day), the Senate took up the consideration of the same.

Senate Bill No. 4—An Act to regulate amusements.

Referred to the Committee on Public Morals.

Senate Bill No. 15—An Act to amend an Act entitled an Act regulating marriages, passed April twenty-second, eighteen hundred and fifty-six.

Read and referred to the Judiciary Committee.

Senate Bill No. 16—An Act to amend an Act entitled an Act concerning attorneys and counsellors at law, passed February nineteenth, eighteen hundred and fifty-one.

Read and referred to the Judiciary Committee.

Senate Bill No. 17—An Act to amend an Act entitled an Act concerning wills, passed April tenth, eighteen hundred and fifty.

Read and referred to the Judiciary Committee.

Senate Bill No. 18—An Act concerning witnesses.

Read and referred to the Judiciary Committee.

Senate Bill No. 19—An Act supplementary to an Act entitled an Act concerning divorces, passed March twenty-fifth, eighteen hundred and sixty-seven.

Read and referred to the Judiciary Committee.

Senate Bill No. 22—An Act for the protection of white laborers.

Read and referred to the Judiciary Committee.

Senate Bill No. 21—An Act to appropriate money for contingent expenses of the Legislature at the seventeenth session.

Ordered engrossed.

Senate Bill No. 23—An Act to restrict gaming.

Passed on file.

At twelve o'clock and ten minutes P. M., on motion of Mr. Murch, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

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### IN SENATE.

SENATE CHAMBER,  
Wednesday, December 15th, 1869. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called and quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

### APPOINTMENTS.

The President announced the following appointments:

Herman Siegfried, Watchman; W. G. Olwell, Messenger; A. W. Boyle and F. F. Buckley, Committee Porters; Hampton Whitaker, Rear Porter.

The following standing committees were appointed:

### ON PUBLIC MORALS.

Messrs. Morrill, Wilson, Minis, Betge and Pacheco.

### ON COMMERCE AND NAVIGATION.

Messrs. Betge, Kincaid, Morrill, Pendegast and Green.

### REPORTS.

Mr. Maclay, from the Committee on Education, made the following report:

MR. PRESIDENT: The Committee on Education to whom was referred Senate Bill No. 27—An Act to authorize the Regents of the University of California to establish a preparatory department—report the same back and respectfully recommend its passage.

MACLAY, Chairman.

Mr. Banvard, from the Senate Finance Committee, made the following report:

Mr. PRESIDENT: The Senate Finance Committee would respectfully report that, at a meeting of said committee on the fourteenth instant, they appointed H. Fitz Simmons Clerk of said committee.

BANVARD, Chairman.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 21—An Act to appropriate money for contingent expenses of the Legislature at its seventeenth session.

O'CONNOR, Chairman.

Mr. Curtis, from the Sacramento delegation, made the following report:

Mr. PRESIDENT: The Sacramento delegation, to whom was referred Senate Bill No. 3—An Act supplementary to an Act entitled an Act to provide for the government of the common schools in the City of Sacramento—have had the same under consideration, and respectfully report the same back and recommend its passage.

CURTIS,  
COMTE.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Saunders—An Act to extend the time for collection of assessments on the outside lands in the City and County of San Francisco.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

Also, an Act to extend the time for the collection of delinquent taxes in the City and County of San Francisco, upon the lands known as outside lands.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Pendegast—An Act to authorize a suit against the Napa Valley Railroad Company and the stockholders thereof.

Read first and second times and referred to the Judiciary Committee.

By Mr. Turner—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide revenue for the support of the Government of the State, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times and referred to the Judiciary Committee.

#### MOTIONS, RESOLUTIONS AND NOTICES.

Resolutions were introduced as follows:

By Mr. Morrill:

*Resolved*, That the Sergeant-at-Arms be and he is hereby authorized and empowered to procure suitable rooms for the Enrolling Clerk of the Senate, to furnish the same in a proper manner, and provide said officer with necessary stationery.

Adopted.

Mr. Lawrence introduced a concurrent resolution relative to printing twenty-six hundred additional copies of the Governor's message, in the German language; also, one thousand copies in French and one thousand in Italian.

Messrs. Morrill, Beach and Lawrence demanded the ayes and noes on the adoption of the resolution, and the Senate refused, by the following vote:

**AYES**—Messrs. Banvard, Betge, Burnett, Chappell, Comte, Conn, Farley, Gwin, Hunter, Larkin, Lawrence, Lewis, Maclay, Murch and Tompkins—15.

**NOES**—Messrs. Beach, Curtis, Fowler, Green, Hager, Irwin, Kincaid, McDougall, Minis, Morrill, O'Connor, Orr, Pacheco, Pendegast, Perkins, Roberts, Saunders, Turner, Tweed, Wand, Wilson and Wing—22.

Mr. Orr offered a joint resolution relative to the lands heretofore withdrawn for the benefit of the Southern Pacific Railroad Company, etc.

Read and referred to the Committee on Public Lands, and two hundred and forty copies ordered printed.

#### JUDICIARY COMMITTEE.

On motion of Mr. Lewis, the rules were suspended and the President authorized to appoint two additional members on the Judiciary Committee.

#### RESOLUTIONS.

The following resolutions were introduced:

By Mr. Larkin:

*Resolved*, That the State Controller be instructed to draw a warrant for twenty dollars and eighty cents, as extra mileage, in favor of H. C. McGuire, from San Francisco, payable out of the Contingent Fund of the Senate.

Adopted.

By Mr. Pendegast:

*Resolved*, That the Sergeant-at-Arms be authorized to procure a sufficient quantity of thick heavy matting to carpet the lobbies and galleries of the Senate Chamber, and also the halls leading thereto. The purchase of said material to be made by the Sergeant-at-Arms under the direction and with the approval of the Committee on Contingent expenses.

*Resolved*, That the Sergeant-at-Arms be further authorized to appoint an assistant, whose duty it shall be to remain in the gallery during the session of the Senate, to keep order therein and to act as usher therein. Said assistant to be only employed when the Sergeant-at-Arms shall

deem his services necessary, and only to receive pay for the actual time employed. His pay to be five dollars per day, payable out of the Contingent Fund of the Senate.

Adopted:

By Mr. Fowler :

*Resolved*, That a Clerk be allowed the Committee on Agriculture, at the same per diem as Copying Clerks.

On motion of Mr. Green, the resolution was laid on the table.

Mr. Pendegast moved that Mr. Cummings be invited to take a seat in any portion of the Senate Chamber, for the purpose of testing the acoustics of the same.

Carried.

#### INTRODUCTION OF BILLS.

The rules were suspended for the introduction of the following bills :  
By Mr. Hager—An Act to authorize I. Friedlander and his associates to lay down gas pipes in the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

Also, an Act to provide for a correct report and publication of the decisions of the Supreme Court.

Read first and second times and referred to the Judiciary Committee.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, December 15th, 1869.

*To the Senate of the State of California :*

I have to inform your honorable body that since the adjournment of the seventeenth session of the Legislature I have appointed the following officers, and respectfully ask that their appointment be confirmed :

April ninth, eighteen hundred and sixty-eight—Louis Faulkenau, State Assayer, vice B. B. Thayer, term expired.

February fourth, eighteen hundred and sixty-nine—Thomas W. Cazneau, Inspector of Stamps, vice L. R. Lull, term expired.

March fourth, eighteen hundred and sixty-nine—William H. Bell, Inspector of Stamps, vice Jacob Deeth, term expired.

April tenth, eighteen hundred and sixty nine—James Austin, Port Warden, vice John Martin, removed.

April tenth, eighteen hundred and sixty-nine—James M. Allen, Adjutant-General, vice George S. Evans, removed.

George H. Rogers, State Gauger, under provisions of Act approved March thirtieth, eighteen hundred and sixty-eight.

Pilots for the port of San Diego—Charles F. Miller, April thirtieth, eighteen hundred and sixty-nine ; James Eustace, June nineteenth, eighteen hundred and sixty-nine ; John Walsh, July ninth, eighteen hundred and sixty-nine ; James M. Niles, July twentieth, eighteen hundred and sixty-nine ; Alpheus Packard, July twentieth, eighteen hundred and

sixty-nine; Prena Packard, July twentieth, eighteen hundred and sixty-nine.

H. H. HAIGHT,  
Governor.

On motion of Mr. Lewis, the foregoing message was made the special order for Friday, December seventeenth, at one o'clock P. M.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, December 15th, 1869.

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate Bill' No. 1—An Act amendatory of and supplemental to an Act entitled an Act to provide additional revenue for the school department of the City and County of San Francisco, and to change the time and manner of electing the Superintendent of Public Schools of said city and county, approved March thirtieth, eighteen hundred and sixty-eight.

H. H. HAIGHT,  
Governor.

#### SUPREME COURT REPORTS.

On motion of Mr. Hager, the usual number of Supreme Court Reports were ordered printed.

#### GENERAL FILE.

The Senate took up bills on the general file.

Senate Bill No. 23—An Act to restrict gaming—was referred to the Committee on Public Morals.

Senate Bill No. 28—An Act concerning the office of Public Administrator in Napa County.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 31—An Act to amend an Act entitled an Act to provide for the assessment and collection of taxes on migratory bands of stock, farm animals and herds of hogs, in the Counties of Tuolumne and Calaveras, approved March thirtieth, eighteen hundred and sixty-eight—was referred to the Committee on Agriculture.

On motion of Mr. Tompkins, Senate Bill No. 27—An Act to authorize the Regents of the University of California to establish a preparatory department—was taken up, rules suspended, bill considered engrossed, read third time and passed.

At twelve o'clock and ten minutes P. M., on motion of Mr. O'Connor, the Senate adjourned until one o'clock P. M. to-morrow.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE

SENATE CHAMBER,  
Thursday, December 16th, 1869. }

Senate met pursuant to adjournment.  
President in the Chair.  
Roll called and quorum present.  
Prayer by the Chaplain.  
Journal of yesterday read and approved.

## APPOINTMENTS.

The President announced the following appointments :  
Committee on Contingent Expenses of the Senate: Messrs. Wand, Lewis, Curtis, Murch and Turner.  
Additional members of Judiciary Committee: Messrs. Saunders and Tweed.

## REPORT.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed the following bills:

Senate Bill No. 27—An Act to authorize the Regents of the University of California to establish a preparatory department.

Senate Bill No. 28—An Act concerning the office of Public Administrator in Napa County.

Senate Bill No. 34—An Act to extend the time for the collection of the assessment levied on outside lands.

Senate Bill No. 35—An Act to extend the time for the collection of delinquent taxes on outside lands.

All of which is respectfully submitted.

O'CONNOR, Chairman.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
December 15th, 1869. }

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly, on the fourteenth day of December, eighteen hundred and sixty-nine, passed, under a suspension of the rules, the concurrent Senate Resolution, for printing the report of State Prison Directors :

*Resolved* by the Senate, the Assembly concurring, That four thousand copies of the report of the Resident Director of the State Prison be printed.

MOFFET,  
Assistant Clerk.



## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Farley—An Act for the protection of mines and mining claims. Read first and second times and referred to the Committee on Mines and Mining Interests.

By Mr. Maclay—An Act to amend section one of an Act entitled an Act to authorize the issue of bonds by the County of Santa Clara, to complete the Court-house of said county, and to erect a county jail, approved March twenty-fifth, eighteen hundred and sixty-eight.

Read first and second times and referred to the Santa Clara delegation.

By Mr. Pendegast—An Act to appropriate money to pay for services rendered the State by Doctor C. T. Overton.

Read first and second times and referred to the Committee on Claims.

By Mr. Perkins—Proposed amendments to the Constitution of the State of California.

Read first and second times and referred to the Judiciary Committee.

By Mr. Hager—An Act relating to certificates of incorporation.

Read first and second times and referred to the Committee on Corporations.

Also, an Act amendatory of and supplementary to an Act entitled an Act relating to the Board of Supervisors of the City and County of San Francisco, and more particularly defining its powers and duties, approved March thirtieth, eighteen hundred and sixty-eight.

Read first and second times.

Mr. Hager moved to suspend the rules, consider the bill engrossed and place it on its passage. Whereupon Messrs. Pendegast, Murch and Green demanded the ayes and noes, and the motion prevailed, by the following two-third vote :

**AYES**—Messrs. Banvard, Betge, Burnett, Comte, Conn, Curtis, Farley, Fowler, Gwin, Hager, Hunter, Irwin, Kincaid, Lawrence, Lewis, Maclay, McDougall, Minis, Morrill, Pendegast, Saunders, Tompkins, Wand and Wilson—24.

**NOES**—Messrs. Beach, Chappell, Green, Hutchings, Larkin, Murch, O'Connor, Pacheco, Perkins, Roberts, Tweed and Wing—12.

The ayes and noes were again demanded on the passage of the bill, by Messrs. Murch, Green and Lewis, and the bill passed, by the following vote :

**AYES**—Messrs. Banvard, Betge, Burnett, Comte, Conn, Curtis, Farley, Fowler, Gwin, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, McDougall, Minis, Morrill, Murch, Pendegast, Perkins, Roberts, Saunders, Tompkins, Turner, Wand and Wilson—30.

**NOES**—Messrs. Chappell, Green, O'Connor, Pacheco, Tweed and Wing—6.

Mr. Murch gave notice of a motion to reconsider.

By Mr. Tompkins—An Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Lawrence—An Act to repeal an Act relating to criminal prosecution.

Read first and second times and referred to the Judiciary Committee.

By Mr. Hager—An Act for the relief and support of the California Labor and Employment Exchange.

Read first and second times and, with accompanying petition, referred to the Finance Committee.

#### RESOLUTIONS.

Resolutions were introduced as follows :

By Mr. Lewis :

*Resolved*, That the Committee on Elections be and are hereby authorized to appoint a Clerk, to act during the pendency of the contested election case, to be paid the same per diem as the Assistant Secretaries, out of the Contingent Fund of the Senate.

Adopted.

By Mr. Conn :

*Resolved*, That Juan J. De la Guerra, Journal Clerk of the Senate, being disabled by a severe accident, on Tuesday, the fourteenth instant, from attending to his duties, have indefinite leave of absence from that date.

Adopted.

#### NOTICES.

Mr. Lewis gave notice that he would, at an early day, introduce a bill to amend an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight.

Mr. Fowler gave notice that he would, at an early day, introduce an Act to improve the navigation of Kings River, Fresno County.

#### RESOLUTION.

Mr. Conn had leave to introduce the following resolution :

*Resolved*, That the Chair be authorized to appoint an additional member to the Committee on Agriculture.

Adopted.

The President appointed Mr. Wilson, in pursuance of the above resolution.

At one o'clock and fifty-five minutes P. M., Mr. Hunter moved to adjourn.

Lost.

#### GENERAL FILE.

The Senate took up bills on the general file.

Senate Bill No. 3—An Act in relation to the common schools of the City of Sacramento.

Passed on file.

Senate Bill No. 21—An Act to appropriate money for contingent expenses of the Legislature at its seventeenth session.

Read a third time and passed.

On motion of Mr. Green, at two o'clock and five minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Friday, December 17th, 1869. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called and quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Leave of absence was granted, for two days, to Mr. Wing.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 46—An Act to amend an Act entitled an Act to provide for the formation of corporations and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two.

O'CONNOR, Chairman.

Mr. Gwin, from the Committee on Mines and Mining Interests, verbally reported back Senate Bill No. 40—An Act for the protection of mines and mining claims—and recommended the passage of the bill.

Mr. Morrill, from the Committee on Public Morals, made the following report:

Mr. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 4—An Act to regulate amusements—having had the same under consideration, report back a substitute and recommend the passage of the substitute.

MORRILL, Chairman.

Mr. Betge moved to suspend the rules and consider the substitute now.

On the suspension of the rules, the ayes and noes were demanded by Messrs. Betge, Kincaid and Farley, and the rules were suspended, by the following vote:

**AYES**—Messrs. Beach, Betge, Burnett, Chappell, Comte, Farley, Green, Hager, Hunter, Hutchings, Kincaid, Larkin, Lewis, McDougall, Minis, Morrill, Murch, Orr, Pacheco, Pendegast, Perkins, Saunders, Tompkins, Wand and Wilson—25.

**NOES**—Messrs. Banvard, Conn, Fowler, Gwin, Irwin, Lawrence, Maclay, O'Connor, Roberts, Turner and Tweed—11.

The substitute, as reported by the committee, was adopted.

Mr. Tweed moved that the further consideration of the bill be suspended, and that the usual number of copies be printed.

Adopted.

Mr. Maclay, from the Santa Clara delegation, verbally reported back Senate Bill No. 41—An Act to amend section one of an Act entitled an Act to authorize the issue of bonds by the County of Santa Clara to complete the Court-house of said county, and to erect a county jail, approved March twenty-fifth, eighteen hundred and sixty-eight—and recommended its passage.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Roberts—An Act to amend an Act entitled an Act to amend an Act entitled an Act to incorporate the Town of Grass Valley, approved March twenty-fourth, eighteen hundred and sixty-six.

Read first and second times and referred to the Nevada delegation.

By Mr. Lewis—An Act to provide for the appointment of a Commissioner to visit the Eastern insane asylums, and to define his powers and duties.

Read first and second times and referred to the Committee on Hospitals.

By Mr. Burnett—An Act to establish and define the powers and duties of the Board of Education of the City of Petaluma.

Read first and second times and referred to the Committee on Education.

By Mr. Conn—An Act to amend an Act entitled an Act to create the Seventeenth Judicial District, approved March nineteenth, eighteen hundred and sixty-eight.

Mr. Conn moved to suspend the rules and consider the bill now.

Lost.

The bill was then referred to the Judiciary Committee, with instructions to report to-morrow.

By Mr. Gwin—An Act to amend an Act entitled an Act to survey and dispose of the salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight.

By Mr. Orr—An Act making appropriations for the payment of rewards.

Read first and second times rules suspended, bill considered engrossed, read a third time and passed.

The rules were further suspended and the bill ordered immediately transmitted to the Assembly.

By Mr. Comte—An Act to appropriate money to pay bond number thirty-four, issued by authority of an Act of the Legislature of the State of California, approved February eighteenth, eighteen hundred and fifty-one.

Read first and second times and referred to the Committee on Claims.

By Mr. Saunders—An Act to authorize Harriet Wilkins, administratrix of the estate of Henry Wilkins, deceased, to sell the real and personal estate of said deceased.

Read first and second times and referred to the Judiciary Committee.

By Mr. Orr—An Act to authorize H. S. Sargent and others to lay down and maintain a railroad in the City of Stockton and County of San Joaquin.

Read first and second times and referred to the San Joaquin delegation.

#### MOTIONS, RESOLUTIONS AND NOTICES.

Notices of the introduction of bills were given, as follows :

Mr. Betge gave notice that he would at an early day introduce a bill for an Act amendatory and supplementary to an Act entitled an Act to provide for the improvement and protection of the wharves, docks and water front in the City and County of San Francisco, approved March fifth, A. D. eighteen hundred and sixty-four, and all other Acts amendatory and supplementary thereto, and also enlarging and extending the powers and duties of the Board of State Harbor Commissioners of said city and county.

Mr. Maclay gave notice that he would, at an early day, introduce a bill for the repeal of the Registry Act.

Resolutions were introduced as follows :

*Resolved*, That Willie Ormsby, Henry McGuire and Samuel Merks, be, and are hereby appointed Pages of the Senate, to be paid the same per diem as other Pages, out of the Contingent Fund of the Senate.

Adopted.

Mr. Wand offered the following amendment to the standing rules of the Senate.

*Resolved*, That the President of the Senate be authorized to appoint a standing committee of five on the culture of the grape.

The rules were suspended and the resolution adopted.

The President appointed, in pursuance to the above resolution, Messrs. Wilson, Maclay, Murch, Burnett and Wand.

On motion of Mr. Lewis, the Senate took up Senate Joint Resolution No. 10, relative to suspending orders of Secretary of Interior in reference to public lands.

Mr. Fowler offered the following resolution as an amendment :

*Resolved*, That our Senators and Representatives in Congress be further instructed to use their utmost endeavors to secure a modification of the existing laws, in regard to the settlement of the public lands in this State, whereby all actual settlers may be allowed to either pre-empt six hundred and forty acres or homestead one hundred and sixty acres of public land.

Mr. Orr raised the point of order, that the subject matter of the amendment was entirely foreign to the subject matter of the resolution under consideration.

The President ruled; that under rule fifteen of the Standing Rules, the amendment could not be entertained.

Mr. Minis moved to strike out "six" before months, in line one of printed copy, and insert, in lieu thereof, "twelve."

Adopted.

Mr. Fowler moved to refer the resolutions to the Judiciary Committee.

Lost

The resolution, as amended, was adopted.

By Mr. Hager :

*Resolved*, That the Judiciary Committee of the Senate be authorized to employ a Clerk, at the same per diem allowed to the Assistant Secretary, to be paid out of the Contingent Fund of the Senate.

Adopted.

By Mr. Wand :

*Resolved*, That the Sergeant-at-Arms of the Senate be requested to inquire into the reason why the *Daily Examiner* newspaper, of San Francisco, is not delivered to members who have subscribed for it, and to endeavor to prevent a failure so to deliver hereafter.

Adopted.

By Mr. Lawrence :

*Resolved*, That the Secretary of the Senate prepare a list of the standing committees and joint rules of the Senate and Assembly, and that two hundred and forty copies of the same be ordered printed.

Adopted.

Mr. Hager moved to reconsider the vote by which the foregoing resolution was adopted.

Adopted.

Mr. Hager offered as an amendment, that the names of the standing committees of the Senate be printed with the joint rules.

Adopted.

Mr. Irwin offered an amendment, that the names of the officers and attachés of the Senate be included.

Adopted.

The resolution, as amended, was then adopted.

#### RECONSIDERATION.

Mr. Murch, pursuant to notice, moved to reconsider the vote by which the Senate on yesterday passed Senate Bill No. 45—An Act amendatory of and supplementary to an Act relating to the Board of Supervisors in the City and County of San Francisco, and more particularly defining their powers and duties, passed March third, eighteen hundred and sixty-eight.

Whereupon Messrs. Murch, Morrill and Green demanded the ayes and noes, and the Senate refused to reconsider, by the following vote :

**AYES**—Messrs. Green, Murch, O'Connor, Orr, Pacheco and Roberts  
—6.

NOES—Messrs. Banvard, Beach, Betge, Burnett, Comte, Conn, Farley, Fowler, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, McDougall, Minis, Morrill, Pendegast, Saunders, Tompkins, Tweed, Wand and Wilson—26.

#### REPORT.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT : The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 45—An Act amendatory of and supplementary to an Act entitled an Act relating to the Board of Supervisors of the City and County of San Francisco, and more particularly defining their powers and duties, passed March thirtieth, eighteen hundred and sixty-eight.

O'CONNOR, Chairman.

#### GENERAL FILE.

The Senate took up and considered bills on the general file, as follows :  
Senate Bill No. 3—An Act in relation to the Common Schools of the City of Sacramento.

Passed on file.

#### INTRODUCTION OF BILLS.

Mr. Roberts had leave to introduce the following bill—An Act to amend an Act entitled an Act to provide for the management and sale of the lands belonging to the State.

Read first and second times, and referred to the Committee on Public Lands.

Mr. Farley had leave to introduce the following bill—An Act to provide for the appointment of a Reporter of the Supreme Court and Assistant Attorney-General, and to define his duties and compensation.

Read first and second times and referred to the Judiciary Committee.

On motion of Mr. Farley, the rules were suspended, and the Senate took up Senate Bill No. 40—An Act for the protection of mines and mining claims.

On motion, the bill was recommitted to the Judiciary Committee and ordered printed.

#### SPECIAL ORDER.

The hour of one o'clock having arrived, the Senate took up the consideration of the Governor's message, as follows :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, December 15th, 1869.

*To the Senate of the State of California :*

I have to inform your honorable body that since the adjournment of the seventeenth session of the Legislature, I have appointed the following officers, and respectfully ask that their appointments be confirmed :

April ninth, eighteen hundred and sixty-eight—Louis Faulkenau, State Assayer, vice B. B. Thayer, term expired.

February fourth, eighteen hundred and sixty-nine—Thomas N. Cazneau, Inspector of Stamps, vice L. R. Lull, term expired.

March fourth, eighteen hundred and sixty-nine—William H. Bell, Inspector of Stamps, vice Jacob Deeth, term expired.

April tenth, eighteen hundred and sixty-eight—Joseph Austin, Port Warden, vice John Martin, removed.

April tenth, eighteen hundred and sixty-eight—James M. Allen, Adjutant-General, vice George S. Evans, removed.

June seventeenth, eighteen hundred and sixty-eight—George H. Rogers, State Gauger, under provisions of Act approved March thirtieth, eighteen hundred and sixty-eight.

Pilots for the port of San Diego—Charles F. Miller, April thirtieth, eighteen hundred and sixty-nine; James Eustace, June nineteenth, eighteen hundred and sixty-nine; John Walsh, July ninth, eighteen hundred and sixty-nine; James M. Niles, July twentieth, eighteen hundred and sixty-nine; Alpheus Packard, July twentieth, eighteen hundred and sixty-nine; Prena Packard, July twentieth, eighteen hundred and sixty-nine.

H. H. HAIGHT.

Governor.

On motion of Mr. Lewis, the Senate went into executive session.

On advising and consenting to the nomination of Louis Faulkenau, as State Assayer.

The roll was called, with the following result :

**AYES**—Messrs. Banvard, Betge, Burnett, Comte, Conn, Farley, Fowler, Gwin, Hager, Hunter, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, McDougall, Minis, Morrill, O'Connor, Pacheco, Pendegast, Perkins, Saunders, Tompkins, Turner, Tweed, Wand and Wilson—29.

**NOES**—Mr. Murch—1.

On advising and consenting to the nomination of T. N. Cazneau, as Inspector of Stamps.

The roll was called, with the following result :

**AYES**—Messrs. Banvard, Betge, Burnett, Comte, Conn, Farley, Fowler, Gwin, Hager, Hunter, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, McDougall, Minis, Morrill, O'Connor, Orr, Pacheco, Pendegast, Perkins, Saunders, Tompkins, Turner, Tweed, Wand and Wilson—29.

**NOES**—Mr. Murch—1.

On advising and consenting to the nomination of William H. Bell, as Inspector of Stamps.

The roll was called, with the following result :

**AYES**—Messrs. Banvard, Betge, Burnett, Comte, Conn, Farley, Fowler, Gwin, Hager, Hunter, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, McDougall, Minis, Morrill, O'Connor, Orr, Pacheco, Pendegast, Perkins, Saunders, Tompkins, Turner, Tweed, Wand and Wilson—29.

**NOES**—Mr. Murch—1.

On advising and  
consenting to the nomination of Joseph Austin, as  
Post Warden.  
The roll was called

with the following result :



**AYES**—Messrs. Banvard, Betge, Burnett, Comte, Conn, Farley, Fowler, Gwin, Hager, Hunter, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, McDougall, Minis, Morrill, O'Connor, Pacheco, Pendegast, Perkins, Tompkins, Tweed, Wand and Wilson—27.

**NOES**—Mr. Murch—1.

On advising and consenting to the nomination of J. H. Allen, as Adjutant-General.

The roll was called, with the following result :

**AYES**—Messrs. Banvard, Betge, Burnett, Comte, Conn, Farley, Fowler, Gwin, Hager, Hunter, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, McDougall, Minis, Morrill, O'Connor, Pacheco, Pendegast, Perkins, Roberts, Saunders, Tompkins, Turner, Tweed, Wand and Wilson—30.

**NOES**—Mr. Murch—1.

On advising and consenting to the nomination of George H. Rogers, as State Gauger.

The roll was called, with the following result :

**AYES**—Messrs. Banvard, Betge, Burnett, Comte, Conn, Farley, Fowler, Gwin, Hager, Hunter, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, McDougall, Minis, Morrill, O'Connor, Pacheco, Pendegast, Perkins, Saunders, Tompkins, Turner, Tweed, Wand and Wilson—29.

**NOES**—Mr. Murch—1.

On advising and consenting to the nomination of C. F. Miller, as pilot of the port of San Diego.

The roll was called, with the following result :

**AYES**—Messrs. Banvard, Betge, Burnett, Comte, Conn, Farley, Fowler, Gwin, Hager, Hunter, Irwin, Kincaid, Larkin, Lawrence, Maclay, McDougall, Minis, Morrill, O'Connor, Pacheco, Pendegast, Perkins, Saunders, Tompkins, Turner, Tweed, Wand and Wilson—27.

**NOES**—Mr. Murch—1.

[Mr. Pendegast in the Chair.]

On advising and consenting to the nomination of James Heustes, as pilot of the port of San Diego.

The roll was called, with the following result :

**AYES**—Messrs. Banvard, Betge, Burnett, Comte, Conn, Farley, Fowler, Gwin, Hager, Hunter, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, McDougall, Minis, Morrill, O'Connor, Pacheco, Pendegast, Perkins, Saunders, Tompkins, Turner, Tweed, Wand and Wilson—29.

**NOES**—Mr. Murch—1.

On advising and consenting to the nomination of John Walsh, as pilot of the port of San Diego.

The roll was called, with the following result :

**AYES**—Messrs. Banvard, Betge, Burnett, Comte, Conn, Farley, Fowler, Gwin, Hager, Hunter, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, McDougall, Minis, O'Connor, Pacheco, Pendegast, Perkins, Saunders, Tompkins, Turner, Tweed, Wand and Wilson—28.

**NOES**—Mr. Murch—1.

On advising and consenting to the nomination of James M. Niles, as pilot of the port of San Diego.

The roll was called, with the following result :

**AYES**—Messrs. Banvard, Betge, Burnett, Comte, Conn, Farley, Fowler, Gwin, Hager, Hunter, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, McDougall, Minis, O'Connor, Pacheco, Pendegast, Perkins, Saunders, Tompkins, Turner, Tweed, Wand and Wilson—28.

**NOES**—Mr. Murch—1.

On advising and consenting to the nomination of Alpheus Packard, as pilot of the port of San Diego.

The roll was called, with the following result :

**AYES**—Messrs. Banvard, Betge, Burnett, Comte, Conn, Farley, Fowler, Gwin, Hager, Hunter, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, McDougall, Minis, O'Connor, Pacheco, Pendegast, Perkins, Saunders, Tompkins, Turner, Tweed, Wand and Wilson—28.

**NOES**—Mr. Murch—1.

On advising and consenting to the nomination of Prena Packard, as pilot of the port of San Diego.

The roll was called, with the following result :

**AYES**—Messrs. Banvard, Betge, Burnett, Comte, Conn, Farley, Fowler, Gwin, Hager, Hunter, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, McDougall, Minis, O'Connor, Pacheco, Pendegast, Perkins, Saunders, Tompkins, Turner, Wand and Wilson—27.

**NOES**—Mr. Murch—1.

On motion of Mr. Wand, at two o'clock and thirty minutes p. m., the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest : JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, December 18th, 1869. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Leave of absence was granted to Mr. Hunter for one day, and to Mr. Chappell until Monday.

## PETITION.

**Mr. Lawrence** presented a petition from the Anti-Coolie and Anti-Monopoly Association, of San Francisco, relative to certain matters connected with the Pacific Mail Steamship Company.

Read and referred to the Committee on Federal Relations.

## REPORTS.

**Mr. O'Connor**, from the Committee on Engrossment, presented the following report :

**Mr. PRESIDENT** : The Committee on Engrossment have examined and find correctly engrossed Senate Joint Resolution No. 10—Relative to suspending orders of Secretary of Interior, in reference to public lands.

O'CONNOR, Chairman.

**Mr. Lewis**, from the Committee on Elections, made the following report :

**Mr. PRESIDENT** : The Committee on Elections, to whom was referred the matter of the contested election, wherein P. W. Murphy is contestant, and R. Pacheco, sitting member, respondent, have had the same under consideration, and, after a due examination of the documentary evidence forwarded to the Secretary of State, are unable to arrive at a definite conclusion as to the claims of the respective parties. Your committee therefore ask of the Senate the authority to send for such persons and papers as are necessary in the case, and recommend the adoption of the following resolution :

*Resolved*, That the Committee on Elections are hereby authorized and empowered to select a suitable person, whose duty it shall be to proceed to the Counties of San Luis Obispo and Santa Barbara, with authority to procure such evidence of persons and certified copies of records as are material in the contested election case, wherein P. W. Murphy is contestant and R. Pacheco is respondent, and that the person so appointed shall receive, as a compensation for such services rendered, eight dollars per diem, and such mileage as is allowed to members of the Senate and Assembly, to be paid out of the Contingent Fund of the Senate.

LEWIS, Chairman.

The rules were suspended, and the above resolution adopted.

**Mr. Banvard**, from the Finance Committee, made the following report :

**Mr. PRESIDENT** : The Finance Committee would respectfully report, that they have had under consideration Senate Bill No. 5—An Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, passed May seventeenth, eighteen hundred and sixty-one—and recommend the passage of the Act.

BANVARD, Chairman.

**Mr. Farley** presented a majority report from the Judiciary Committee, as follows :

Mr. PRESIDENT: The majority of the Committee on Judiciary, to whom was referred Senate Bill No. 52—An Act to amend an Act entitled an Act to create the Seventeenth Judicial District, approved March nineteenth, eighteen hundred and sixty-eight—respectfully report that they have had the said bill under advisement; and, in view of the manifest justice of the bill, they report the same back, and recommend its passage.

TOMPKINS,  
FARLEY,  
LEWIS,  
KINCAID,  
COMTE, JR.  
PENDEGAST.

Mr. Hager presented the following minority report from the Judiciary Committee:

Mr. PRESIDENT: A minority of the Committee on the Judiciary having had under consideration Senate Bill No. 52—An Act to amend an Act entitled an Act to create the Seventeenth Judicial District—are of the opinion that, unless the same be amended so as to except from its provisions the Judge elected in the district mentioned in the bill, at the the last general election, it is in conflict with the provision of the Constitution, contained in article six, section fifteen, to the effect "that the compensation of District Judges shall not be increased or diminished during the term for which they shall have been elected;" and for this reason, among others, recommend that the bill do not pass.

Respectfully submitted,

HAGER, Chairman.  
SAUNDERS,  
ROBERTS,  
TWEED.

Mr. Banvard presented the following majority report from the Finance Committee:

Mr. PRESIDENT: The Finance Committee would respectfully report that they have had under consideration Senate Bill No. 33—An Act for the relief of L. P. Hall and Samuel J. Garrison—and recommend an amendment by striking out, after the word dollars, in the second line, the following, "with legal interest thereon, from the fifth day of March, eighteen hundred and sixty-three, until the approval of this Act," and would further recommend the passage of the Act as amended.

BANVARD, Chairman.  
LARKIN,  
MINIS,  
WILSON.

Mr. Perkins presented the following minority report from the Finance Committee:

Mr. PRESIDENT: The undersigned, a minority of the Committee on Finance, to which was referred Senate Bill No. 33, for the relief of

Samuel J. Garrison and L. P. Hall, in the sum of five thousand dollars, and legal interest from eighteen hundred and sixty-three, to date, for the destruction of a printing press, material and damage to property, in the Town of Visalia, in Tulare County, by California Volunteers in the service of the State, beg leave to submit the following report :

The troops who, it is alleged, destroyed the property in question, were United States Volunteers, called into service by authority of the Governor in compliance with a requisition from the General Government, and were under the control of United States officers, and not under the control of the State. The undersigned is therefore of the opinion it is a claim for which the United States is liable, and not the State of California, and would recommend it be indefinitely postponed.

### PERKINS.

Mr. O'Connor verbally reported back Senate Bill No. 49—An Act to amend an Act entitled an Act to amend an Act entitled an Act to incorporate the Town of Grass Valley, approved March twenty-fourth, eighteen hundred and sixty-six—recommending its passage.

### MOTIONS, RESOLUTIONS AND NOTICES.

Resolutions were introduced as follows :

By Mr. Tompkins :

*Resolved*, That when the Senate adjourn this day, it adjourn until two and a half o'clock P. M. on Monday.

Adopted.

By Mr. Larkin :

*Resolved*, That the Committee on Corporations be authorized to employ a Clerk, with the same per diem as a Copying Clerk, payable out of the Contingent Fund of the Senate.

Mr Roberts offered the following amendment :

Amend by striking out "the same per diem as a Copying Clerk," and insert "five dollars per day."

Mr. Larkin accepted the amendment, and the resolution, as amended, was adopted.

By Mr. Pendegast :

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrant upon the Treasurer, in favor of George Whitlock, for twenty-eight dollars, for services rendered as Fireman, from December twelfth to December eighteenth, eighteen hundred and sixty-nine, both inclusive ; Oscar Marshall, for forty dollars, for services as Committee-room Porter, from December sixth to December fifteenth, eighteen hundred and sixty-nine, both inclusive ; Alfred S. Woods, for forty dollars, for services as Committee-room Porter, from December sixth to December fifteenth, eighteen hundred and sixty-nine, both inclu-

sive; Hiram Clock, for twenty dollars, for services as Porter, from December twelfth to December sixteenth, eighteen hundred and sixty-nine, both inclusive; Willie Ormsby, for twenty-one dollars, for services as Page, from December twelfth to December eighteenth, eighteen hundred and sixty-nine, both inclusive, and to H. C. McGuire, for twenty-one dollars, for services as Page, from December twelfth to December eighteenth, eighteen hundred and sixty-nine, both inclusive, payable out of the Contingent Fund of the Senate—they having performed services previous to the appointments by the President.

Read and referred to the Committee on Contingent Expenses.  
By Mr. Minis:

*Resolved*, That F. H. Montre be allowed pay as Watchman, from December twelfth to December eighteenth, eighteen hundred and sixty-nine, both inclusive, at the regular per diem, payable out of the Contingent Fund of the Senate.

Read and referred to Committee on Contingent Expenses.  
By Mr. Betge:

*Resolved*, That the Sergeant-at-Arms be authorized to purchase a safe for the use of the Secretary of the Senate, the cost of the same not to exceed two hundred and fifty dollars, said amount to be paid out of the Contingent Fund of the Senate; and that the Sergeant-at-Arms have the pigeon holes on desk rearranged under the supervision or by the direction of the Secretary of the Senate.

Read and referred to the Committee on Contingent Expenses.  
By Mr. Pendegast:

*Resolved*, That Willie Overton be and he is hereby appointed Newspaper File Clerk, at the per diem of four dollars, payable out of the Contingent Fund of the Senate. The duties of said Clerk shall be to procure for each Senator a paper file, and to place thereon each day such daily newspaper as may be requested by the Senator, and to perform such other duties as may be necessary.

Read and referred to the Committee on Contingent Expenses.

#### LEAVE OF ABSENCE.

Mr. Saunders was granted leave of absence until Monday next.

#### NOTICE.

Mr. Hutchings gave notice that he would at an early day introduce a bill granting a bridge franchise to Caleb Wilcoxon and others; location, near Marysville, across the Yuba River, and known as the Simpson Bridge.

#### RESOLUTION.

Mr. Curtis introduced a resolution allowing twenty cents per folio for writing up the Senate Appendix of the seventeenth session.

Referred to Committee on Contingent Expenses.

On motion of Mr. Roberts, the rules were suspended, and Senate Bill No. 58—An Act to amend an Act entitled an Act to provide for the management and sale of the lands belonging to the State—was taken up.

The rules were further suspended, bill considered engrossed, read a third time and passed.

Mr. Farley moved to suspend the rules and take up Senate Bill No. 52—An Act to amend an Act entitled an Act to create the Seventeenth Judicial District, approved March nineteenth, eighteen hundred and sixty-eight.

The ayes and noes were demanded by Messrs. Farley, Lewis and Conn, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Betge, Comte, Conn, Curtis, Farley, Green, Gwin, Hutchings, Irwin, Kincaid, Lawrence, Lewis, Maclay, McDougall, Minis, Pacheco, Pendegast, Perkins, Tompkins, Turner, Tweed, Wand and Wilson—24.

**NOES**—Messrs. Beach, Burnett, Fowler, Hager, Larkin, Morrill, Murch, O'Connor, Orr and Roberts—10.

The bill was ordered to engrossment by the following vote, the ayes and noes having been demanded by Messrs. Roberts, Tweed and Murch:

**AYES**—Messrs. Betge, Comte, Conn, Farley, Hutchings, Kincaid, Lawrence, Lewis, Maclay, McDougall, Minis, Pendegast, Tompkins, Wand and Wilson—15.

**NOES**—Messrs. Banvard, Beach, Burnett, Fowler, Hager, Irwin, Larkin, Morrill, Murch, O'Conner, Orr, Perkins, Roberts and Tweed—14.

#### GENERAL FILE.

The Senate took up bills on the general file.

Senate Bill No. 3—An Act in relation to the common schools of the City of Sacramento—was considered in Committee of the Whole and amended.

#### IN SENATE.

Bill reported back and amendment of committee adopted.

Rules suspended, bill considered engrossed, read a third time and passed; the rules were further suspended and bill ordered transmitted to the Assembly.

Senate Bill No. 4—An Act to regulate amusements.

Mr. Wilson moved to recommit to the Committee on Public Morals.

Lost.

On motion of Mr. Hager, the bill was referred to the Judiciary Committee.

Senate Bill No. 41—An Act to amend section one of an Act entitled an Act to authorize the issue of bonds by the County of Santa Clara, to complete the Court-house of said county and to erect a county jail, approved March twenty-fifth, eighteen hundred and sixty-eight—was ordered engrossed.

#### APPOINTMENTS.

The President announced the appointment of the following standing committees:

## ON STATE PRISON.

Messrs. Lewis, Hunter, Betge, Maclay and Green.

## ON MILITARY AFFAIRS.

Messrs. Hunter, Lewis, Betge, Gwin and Turner.

## ON PUBLIC LANDS.

Messrs. Pendegast, Fowler, Farley, Perkins and Murch.

On motion of Mr. Maclay, at twelve o'clock and twenty-two minutes P. M. the Senate adjourned till Monday at two o'clock and thirty minutes P. M.

WILLIAM HOLDEN,  
President of the Senate.

Attest : JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Monday, December 20th, 1869. }

Senate met pursuant to adjournment.

President in the chair.

Roll called and quorum present.

Prayer by the Chaplain.

Messrs. Beach, Morrill, Chappell, Perkins, Tompkins, Saunders, Maclay and Orr were granted leave of absence for one day, Mr. Farley for three days, and Mr. Kincaid for two days.

Journal of Saturday read and approved.

Mr. Larkin was excused from serving as a member of the Committee on Hospitals.

Mr. Hunter was excused from serving as a member of the Committee on State Prison.

## APPOINTMENTS.

The President appointed Mr. Hunter as a member of the Committee on Hospitals, in the place of Mr. Larkin, resigned; and Mr. Saunders as a member of the Committee on State Prison, in place of Mr. Hunter, resigned.

The President appointed the following additional standing committees :

## ON ROADS AND HIGHWAYS.

Messrs. Hutchings, Tompkins and Turner.



## ON PUBLIC BUILDINGS OTHER THAN STATE PRISON.

Messrs. Comte, O'Conner, Mandeville, Beach and Murch.

## ON COUNTY AND COUNTY BOUNDARIES.

Messrs. Tompkins, Lewis, Conn, Curtis and Wing.

## ON STATE AND COUNTY REVENUE.

Messrs. Larkin, Lawrence, Conn, Murch and Turner.

## ON JOINT COMMITTEE ON PRINTING.

Messrs. Irwin, McDougall and Pacheco.

Also, appointed W. C. Van Arman as Fireman.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT: The Committee on Engrossment have examined and found correctly engrossed, Senate Bill No. 41—An Act to amend section one of an Act entitled an Act to authorize the issue of bonds by the County of Santa Clara to complete the Court-house of said county and to erect a county jail, approved March twenty-fifth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 58—An Act to amend an Act to provide for the management and sale of the lands belonging to the State.

Also, Senate Bill No. 52—An Act to amend an Act entitled an Act to create the Seventeenth Judicial District, approved March nineteenth, eighteen hundred and sixty-eight.

O'CONNOR, Chairman.

Mr. Lewis, from the Committee on Joint Rules, presented the joint rules of the Senate and Assembly, which were adopted.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
December 20th, 1869. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on December eighteenth, eighteen hundred and sixty-nine, appointed as Committee on the report of the Commissioners appointed to examine the practicability of making an outlet to the Sacramento River, Messrs. Haile, Berry, Kelley, Freeman, Scarce.

Also, that the Assembly, under a suspension of the rules, concurred in Senate Joint Resolution No. 10.

Also, that the substitute for Senate Bill No. 3, under a suspension of the rules, was read a third time and passed.

Also, that Senate Bill No. 21 was considered in Committee of the Whole, reported back and passage recommended; read a third time and passed.

MOFFET,  
Assistant Clerk.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Irwin—An Act to amend an Act to extend an Act to prevent stallions from running at large in the County of Sacramento, approved March twentieth, eighteen hundred and sixty. •

Read first and second times and placed no file.

By Mr. Curtis—An Act to authorize the Controller of State to issue a duplicate warrant to J. T. Bailey.

Read first and second times and referred to the Judiciary Committee.

By Mr. Tweed—An Act to amend an Act entitled an Act for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one.

Read first and second times and referred to the Committee on Corporations, and ordered printed.

Also, an Act to amend an Act entitled an Act concerning divorcees, passed March twenty-fifth, eighteen hundred and fifty-one, and an Act supplementary thereto, approved April twenty-fourth, eighteen hundred and fifty-seven.

Read first and second times and referred to the Judiciary Committee, and ordered printed.

Also, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

By Mr. Perkins—An Act to amend an Act entitled an Act concerning agricultural societies, approved March twelfth, eighteen hundred and fifty-nine.

Read first and second times and referred to the Committee on Agriculture.

#### NOTICES.

Notice of the introduction of bills were given as follows:

Mr. Gwin gave notice that he would on to-morrow, or some subsequent day, introduce a bill to provide for the appointment and define the duties of a Commissioner of Railroads and Telegraphs.

Also, on to-morrow, or some subsequent day, introduce a bill to provide for the establishment of a State Hospital and Almshouse.

Mr. Pendegast gave notice of an Act for the relief of D. Shepardson.

Also, of an Act to amend the Act commonly known as the Civil Practice Act.

#### RESOLUTIONS.

Resolutions were introduced as follows:

By Mr. Conly:  
Resolved, That the sum of fifty-six dollars be and the same is hereby for assistance rendered at the Secretary's desk,  
C. E. B...

sum of fifty-six dollars be and the same is hereby for assistance rendered at the Secretary's desk,

from December thirteenth to December twentieth, eighteen hundred and sixty-nine, payable out of the Contingent Fund of the Senate, and that the Controller be authorized to issue his warrant for the same.

Read and referred to the Committee on Contingent Expenses.

By Mr. Hager :

*Resolved*, That whenever a bill is referred to and reported upon by a delegation, before any action shall be had thereon or it be placed on file, it shall be referred to and reported upon by a standing committee.

Read and, under the rules, laid over one day.

By Mr. Gwin :

*Resolved*, That the President of the Senate be authorized to appoint a committee on the State University, to consist of five members.

On motion, the rules were suspended, and the resolution adopted.

Mr. Roberts moved to take from the table the resolution introduced by Mr. Hager, and that the same be considered now.

Adopted.

The resolution was read and adopted.

Mr. Hager, from the Judiciary Committee, to whom was referred Senate Bill No. 4—An Act to regulate amusements—with instructions to report this morning, asked until to-morrow, December twenty-first, to report.

Granted.

#### GENERAL FILE.

The Senate took up bills on the general file, as follows :

Senate Bill No. 5—An Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, passed May seventeenth, eighteen hundred and sixty-one.

Mr. Roberts moved to refer the bill to the Judiciary Committee.

Lost.

The rules were suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 52—An Act to amend an Act entitled an Act to create the Seventeenth Judicial District, approved March nineteenth, eighteen hundred and sixty-eight.

The author had the unanimous consent of the Senate to withdraw said bill.

Senate Bill No. 33—An Act for the relief of L. P. Hall and Samuel J. Garrison.

Upon ordering the above bill engrossed, the ayes and noes were demanded by Messrs. Roberts, Murch and Lawrence, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Betge, Comte, Curtis, Fowler, Gwin, Hunter, Hutchings, Irwin, Larkin, Lawrence, Lewis, McDougall, Minis, O'Connor, Pendegast, Wand and Wilson—18.

**NOES**—Messrs. Burnett, Conly, Conn, Green, Hager, Murch, Orr, Pacheco, Perkins, Roberts, Tompkins, Turnor, Tweed and Wing—14.

Senate Bill No. 49—An Act to amend an Act entitled an Act to amend

an Act entitled an Act to incorporate the Town of Grass Valley, approved March twenty-fourth, eighteen hundred and sixty-six.

Referred to the Judiciary Committee.

Mr. Lawrence had leave to introduce the following concurrent resolution :

*Resolved* by the Senate, the Assembly concurring, That the following documents shall be printed, and that the number of each shall be as follows :

Report of Secretary of Supreme Court on Library matters, nine hundred and sixty copies.

Report of Commissioners of Reform School, nine hundred and sixty copies.

Report of Directors and Commissioners of Deaf, Dumb and Blind Institute, one thousand nine hundred and twenty copies; and that the State Printer be and hereby is instructed to furnish the Superintendent of the Deaf and Dumb and Blind Asylum with five hundred copies of report of the institution, for general distribution.

Adopted.

The President announced the appointment of the following Standing Committee on State University: Messrs. Gwin, Hager, Saunders, Tompkins and Conly.

On motion of Mr. Pendegast, at four o'clock and fifty-five minutes p. m. the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest : JOSEPH ROBERTS, Jr., Secretary of Senate.

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## IN SENATE.

SENATE CHAMBER,

Tuesday, December 21st, 1869. }

Senate met pursuant to adjournment.

The President in the chair.

Roll called and quorum present.

Prayer by the Chaplain.

The Journal of yesterday was read and approved.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No 33—An Act for the relief of L. P. Hall and Samuel J. Garrison.

O'CONNOR, Chairman.

Mr. Murch, from the Committee on Enrolment, made the following report :

Mr. PRESIDENT: The Committee on Enrolment have examined and find correctly enrolled Senate Bill No. 21—An Act to appropriate money for contingent expenses of the Legislature at its seventeenth session—and this day, at eleven o'clock A. M., presented the same to the Governor for his approval.

MURCH, for Committee.

Mr. Wand, from the Committee of Contingent Expenses, reported as follows :

Mr. PRESIDENT: The Committee on Contingent Expenses have had under consideration Resolutions Nos. 1, 3, 4, 5, 7 and 8, and recommend their passage.

WAND, Chairman.

Mr. Orr, from the San Joaquin delegation, made the following report :

Mr. PRESIDENT: The San Joaquin delegation, to whom was referred Senate Bill No. 57—An Act authorizing H. S. Sargent and others to lay down and maintain a railroad in the City of Stockton, County of San Joaquin—beg leave to report the same to the Senate and recommend its passage.

ORR, for Delegation.

On motion of Mr. Orr, the above bill was referred to the Committee on Corporations.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Tompkins—An Act to provide for the welfare and increase the efficiency of the California Institution for the Deaf and Dumb and the Blind.

Read first and second times and referred to the Committee on Finance.

By Mr. Orr—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of San Joaquin to issue certain bonds, and to provide for the payment of the principal and the interest thereon, approved April eighth, eighteen hundred and sixty-two.

Read first and second times and referred to the Committee on Finance.

By Mr. Tompkins—An Act to provide revenue for the support of the Government of this State.

Read first and second times and referred to the Committee on Finance.

By Mr. Saunders—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Read first and second times and referred to the San Francisco delegation.

By Mr. Comte—An Act to amend section two hundred and fifty-four of an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.  
Mr. Pendegast had leave to be recorded as present at roll call.  
Mr. Lewis was granted leave of absence for one day.

#### MOTIONS AND RESOLUTIONS.

Resolutions were introduced as follows :  
By Mr. Betge :

*Resolved*, That the President is hereby requested to appoint a standing committee on immigration, to consist of five members.

The rules were suspended and the resolution adopted.  
By Mr. Banvard :

*Resolved*, That the Sergeant-at-Arms of the Senate be authorized to appoint an additional Porter for the committee rooms, whose duty it shall be, also, to preserve order in the halls leading to the Senate Chamber, during the sessions of the Senate, at a per diem of five dollars, payable out of the Contingent Fund of the Senate.

Mr. Larkin moved to lay the resolution on the table.  
Carried.  
By Mr. Beach :

*Resolved*, That the State Printer be and he is hereby authorized and directed to print, with the biennial report of the Board of State Harbor Commissioners, the map accompanying the same.

Adopted.

#### NOTICES.

Notice of the introduction of bills was given as follows :

Mr. Conn gave notice that he would, at an early day, introduce a bill to provide for the liquidation of the funded debt of San Bernardino County.

Also, to amend an Act entitled an Act to re-fund the funded debt of the County of San Bernardino, approved March twenty-sixth, eighteen hundred and sixty-eight.

Mr. Hager had leave to make a verbal report from the Judiciary Committee, on Senate Bill No. 4, reporting a substitute for the substitute, and recommending its passage.

Mr. Hager moved to suspend the rules that the bill might be considered now.

Lost.

#### GENERAL FILE.

Senate took up bills on the general file, as follows :

Senate Bill No. 41—An Act to amend section one of an Act entitled an Act to authorize the issue of bonds by the County of Santa Clara to complete the Court-house of said county and to erect a county jail, approved March twenty-fifth, eighteen hundred and sixty-eight.

Senate Bill No. 42—An Act to amend an Act to extend an Act to prevent stallions from running at large in the County of Sacramento, approved March twenty-fifth, eighteen hundred and sixty-eight.

Passed on file.

Mr. Murch moved to suspend the rules and take up and consider the report of the Committee on Contingent Expenses.

Carried.

#### RESOLUTIONS.

The following resolutions, reported upon by the Committee on Contingent Expenses, were taken up in their order and disposed of as follows:

*Resolved*, That the sum of twenty cents per folio be allowed for writing up the Appendices to the Senate Journal of the seventeenth session.

Adopted.

*Resolved*, That the Controller be and he is hereby authorized and directed to draw his warrant upon the Treasurer, in favor of George Whitlock, for twenty-eight dollars, for services as Fireman, from December twelfth to December eighteenth, eighteen hundred and sixty-nine, both inclusive; Oscar Marshall, for forty dollars, for services as Committee-room Porter, from December sixth to December fifteenth, eighteen hundred and sixty-nine, both inclusive; Alfred S. Woods, for forty dollars, for services as Committee-room Porter, from December sixth to December fifteenth, eighteen hundred and sixty-nine, both inclusive; Hiram Clock, for twenty dollars, for services as Porter, from December twelfth to December sixteenth, eighteen hundred and sixty-nine, both inclusive; Willie Ormsby, for twenty-one dollars, for services as Page, from December twelfth to December eighteenth, eighteen hundred and sixty-nine, both inclusive; and to H. C. McGuire, for twenty-one dollars, for services as Page, from December twelfth to December eighteenth, eighteen hundred and sixty-nine, both inclusive; payable out of the Contingent Fund, they having performed services previous to the appointments by the President.

Adopted.

*Resolved*, That the Sergeant-at-Arms be authorized to purchase a safe for the use of the Secretary of the Senate, the cost of the same not to exceed two hundred and fifty dollars, said amount to be paid out of the Contingent Fund of the Senate; and that the Sergeant-at-Arms have the pigeon holes on desk rearranged, under the supervision or by the direction of the Secretary of the Senate.

Adopted.

*Resolved*, That F. H. Montre be allowed pay as Watchman, from December twelfth to December eighteenth, eighteen hundred and sixty-nine, both inclusive, at the regular per diem, payable out of the Contingent Fund.

Adopted.

*Resolved*, That James E. Ryan be allowed one week's pay and mileage, as Porter, for travelling to and from the Capitol, for services rendered in the organization of the Senate; and Edwin A. Clarke be allowed mileage as Messenger, for services rendered at the organization.

Adopted.

*Resolved*, That the sum of fifty-six dollars be and the same is hereby allowed C. E. Barnes, for assistance rendered at the Secretary's desk, from December thirteenth to December twentieth, eighteen hundred and sixty-nine, payable out of the Contingent Fund of the Senate, and that the Controller be authorized to issue his warrant for the same.

Adopted.

Mr. Roberts moved to adjourn.

Lost.

Mr. Murch moved to take up Assembly message.

Carried.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
December 21st, 1869. }

Mr. PRESIDENT: I am directed to inform your honorable body, that the Assembly, on yesterday, passed Assembly Bill No. 27—An Act for the relief of Thomas N. Long, Sheriff of Lassen County.

Also, under the suspension of the rules, passed Assembly Bill No. 33—An Act to authorize the Board of Supervisors of Humboldt County to transfer moneys from one fund to another, and to provide for the disposition of the same.

CRAWFORD,  
Assistant Clerk.

Assembly Bill No. 27, above reported, read first and second times and referred to the Committee on Claims.

Assembly Bill No. 33, above reported, read first and second times and referred to the Committee on Swamp and Overflowed Lands.

At eleven o'clock and fifty-five minutes A. M., on motion of Mr. O'Connor, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,  
Wednesday, December 22d, 1869. }

Senate met pursuant to adjournment.

President in the Chair.

The roll was called and quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.



Messrs. McDongall and Pacheco were granted leave of absence for one day.

Mr. Saunders moved to take up Assembly message.

Carried.

# MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly.

ASSEMBLY CHAMBER,  
December 22d, 1869. }

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on yesterday, passed Assembly Concurrent Resolution No. 9—In reference to adjourning over for the holidays.

Also, passed Assembly Bill No. 42—An Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

Also, passed, under suspension of the rules, Assembly Concurrent Resolution No. 7—Directing the Surveyor-General not to accept any more applications for locations of lands.

Also, passed, under suspension of the rules, Assembly Concurrent Resolution No. 6—Granting B. W. Jenks, County Clerk of Klamath County, leave of absence from the State.

Also, passed Senate Joint Resolution No. 1—Relative to the withdrawal of public lands.

Also, passed Senate Concurrent Resolution No. 12—Relative to the printing of public documents.

Also, passed Senate Bill No. 27—An Act to authorize the Regents of the University of California to establish a preparatory department.

Also, passed Senate Bill No. 54—An Act making appropriations for the payment of rewards.

Also, passed, under suspension of the rules, Senate Bill No. 34, with amendments—An Act to extend the time for the collection of assessments levied on outside lands.

Also, passed, under suspension of the rules, Senate Bill No. 35, with amendments—An Act to extend the time for the collection of delinquent taxes on outside lands.

CRAWFORD,  
Assistant Clerk.

Mr. Saunders moved to suspend the rules and take up and consider Senate Bills Nos. 34 and 35, above reported from the Assembly.

Carried.

Senate concurred in Assembly amendment to Senate Bill No. 34, above reported.

Also, concurred in Assembly amendment to Senate Bill No. 35, above reported.

Assembly Concurrent Resolution No. 9—Relative to adjournment—above reported, was read.

Mr. Banvard moved to amend by striking out Tuesday and insert, in lieu thereof, Monday.

Lost.

The resolution, as reported, was concurred in.

Assembly Concurrent Resolution No. 7, above reported, was referred to the Committee on Public Lands.

Assembly Concurrent Resolution No. 6, above reported, was placed on file.

[President pro tem. in the chair.]

Mr. Perkins was granted leave of absence for one day.

Assembly concurrent resolution relating to granting leave of absence to B. W. Jenks, County Clerk of Klamath County, above reported, was placed on file.

#### REPORTS.

Mr. Hager, from the Judiciary Committee, made the following reports :

MR. PRESIDENT: The Committee on Judiciary have had under consideration Senate Bill No. 17—An Act to amend an Act concerning wills, passed April tenth, eighteen hundred and fifty—and report the same back and recommend that it do not pass, as the subject matter of said Act has already been provided for by an Act passed March twentieth, eighteen hundred and sixty-six. page three hundred and sixteen.

HAGER, Chairman.

MR. PRESIDENT: The Committee on Judiciary have had under consideration Senate Bill No. 30—An Act to change the name of William Smith; and also Senate Bill No. 32—An Act to change the name of Luther W. Barney—and recommend that they do not pass, as the parties named therein can obtain the desired relief under the provisions of the general law, passed February twentieth, eighteen hundred and sixty-six. (Statutes, 1865 and 1866, page 103.)

HAGER, Chairman.

MR. PRESIDENT: The Committee on Judiciary have had under consideration Senate Bill No. 16—An Act to amend an Act entitled an Act concerning attorneys and counsellors at law, passed February nineteenth, eighteen hundred and fifty-one—and report the same back, and recommend that it do not pass.

HAGER, Chairman.

MR. PRESIDENT: The Committee on Judiciary have had under consideration Senate Bill No. 49—An Act to amend an Act entitled an Act to amend an Act entitled an Act to incorporate the Town of Grass Valley, approved March twenty-fourth, eighteen hundred and sixty-six—and report the same back, and recommend its passage.

HAGER, Chairman.

Mr. Morrill, from the Committee on Enrolment, made the following report:

MR. PRESIDENT: Your Committee on Enrolment respectfully report, that they have examined and find correctly enrolled Senate Joint Resolution No. 10—Relative to suspending orders of Secretary of Interior in reference to public lands—and that on this day, at twelve o'clock and twenty minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

**Mr. O'Connor**, from the Committee on Engrossment, made the following report :

**Mr. PRESIDENT :** The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 5—An Act to amend an Act to provide revenue for the support of the Government of this State, passed May seventeenth, eighteen hundred and sixty-one.

O'CONNOR, Chairman.

**Mr. Gwin**, from the Committee on Mines and Mining Interests, reported as follows :

**Mr. PRESIDENT :** The Committee on Mines and Mining Interests have had under consideration Senate Concurrent Resolution No. 6—Relative to mineral lands—and report the same back and recommend its passage.

GWIN, Chairman.

Assembly Bill No. 42, reported this day from the Assembly, was, on motion of **Mr. Comte**, referred to the Sacramento delegation.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, December 22d, 1869. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate Bill No. 21—An Act to appropriate money for contingent expenses of the Legislature at its seventeenth session.

H. H. HAIGHT, Governor.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By **Mr. Hager**—An Act to appropriate money to pay the outstanding Indian War Bonds issued by the State of California, under an Act of the Legislature, approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto.

Read first and second times and, with accompanying petition, referred to the Committee on Claims.

By **Mr. Tompkins**—An Act to regulate conveyances, and the acknowledgments thereof by a *feme-sole*.

Read first and second times and referred to the Judiciary Committee.

By **Mr. Curtis**—An Act to amend an Act entitled an Act more clearly to define the boundaries of Sacramento, Sutter and Placer Counties, approved March thirteenth, eighteen hundred and sixty-nine.

Read first and second times and, with accompanying petition, referred to the Sacramento, Solano and Yolo delegations.

By **Mr. Maclay**—An Act to amend an Act, approved March sixteenth, eighteen hundred and sixty-eight, entitled an Act to amend section one

hundred and twenty-one of an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

By Mr. Orr—An Act to authorize the Board of Education of the City of Stockton to borrow money for school purposes.

Read first and second times and referred to the Committee on Education.

By Mr. Pendegast—An Act to pay the claim of James M. Jackson, George Roehman, Henry Keyser, M. L. Tornbohn, and the heirs of Henry Lindsay and John Adams.

Read first and second times and referred to the Committee on Claims.

#### MOTIONS, RESOLUTIONS AND NOTICES.

Resolutions were introduced as follows :

By Mr. Hager :

*Resolved*, That in order to improve the acoustic properties of the Senate Chamber, the Secretary of State be instructed forthwith to suspend between the columns, on the west side, curtains and drapery of suitable material.

Adopted.

By Mr. Maclay :

*Resolved*, That the President of the Senate appoint a committee of five on railroads.

Read and, under the rules, laid over one day.

The rules were suspended, and the Senate took up Senate Concurrent Resolution No. 6—Relative to mineral lands—reported back this day from the Committee on Mines and Mining Interests.

On motion of Mr. Roberts, the resolution was adopted.

Mr. Lawrence moved to take up Assembly messages.

Carried.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
December 22d, 1869. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed, under suspension of the rules, Assembly Bill No. 14—An Act to provide for purchasing postage stamps and express envelops for members and officers of the Legislature.

Also passed, under suspension of the rules, Assembly Memorial No. 1—Memorializing Congress to order certain lands claimed by the Southern Pacific Railroad Company to be restored to settlement by pre-emption.

CRAWFORD,  
Assistant Clerk.

On motion, the rules were suspended, and the Senate took up Assembly Bill No. 14, above reported.

Considered in the Committee of the Whole, and amended.

## IN SENATE.

Amendment of Committee adopted. Bill read a third time and passed.

On motion, the rules were suspended for the consideration of Memorial No. 1—Relative to certain lands claimed by the Southern Pacific Railroad Company, to be restored to settlers by pre-emption.

Read a third time and adopted.

At twelve o'clock and forty-three minutes P. M., on motion of Mr. Hager, the Senate adjourned until Tuesday, January fourth, eighteen hundred and seventy.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, January 4th, 1870. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Wednesday, December twenty-second, read and approved.

Leave of absence was granted to Messrs. Lewis and Chappell, until Thursday next; to Messrs. Conn, Farley and Roberts, for one day; to Mr. McDougall, for two days; and indefinite leave of absence to W. S. Cooper, Copying Clerk.

Mr. Minis asked and obtained leave to have his name recorded as present at roll call.

## PETITIONS.

By Mr. Lawrence—Petition from residents of Merced, Stanislaus and Santa Clara Counties, relative to resolutions asking Congress to establish a mail route from Snelling to San Luis Ranch, together with a semi-weekly mail, and establishing Post-offices at Hill's Ferry, Cottonwood and San Luis Ranch.

Read and referred to Committee on Federal Relations.

## REMONSTRANCE.

By Mr. Burnett—Remonstrance from residents of Analy and Bodega Townships, of Sonoma County, against the passage of a bill relative to hogs running at large in said county.

Read and laid on the table.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed an Act in relation to the Common Schools of the City of Sacramento.

O'CONNOR, Chairman.

Mr. Maclay verbally reported back Senate Bill No. 75, an Act to authorize the Board of Education of the City of Stockton to borrow money for school purposes, and recommended its passage.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
December 22d, 1869. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 18—An Act for the payment of the debt of Humboldt County, existing on the thirty-first day of December, eighteen hundred and sixty-nine.

Also, passed Assembly Bill No. 7—An Act to provide means for the government of the County of Santa Cruz, and for the payment and funding of the debt of said county.

CRAWFORD,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 7, above reported, read first and second times and referred to Santa Cruz delegation.

Assembly Bill No. 18, above reported, read first and second times and referred to the Humboldt delegation.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Wand—An Act for the regulation of sailor boarding houses, and of shipping offices in the City and County of San Francisco.

Read first and second times and referred to the Committee on Commerce and Navigation, and ordered printed.

By Mr. Maclay—An Act to develop home industries, and encourage and promote iron mining and manufactures in California.

Read first and second times and referred to the Committee on Mines and Mining Interests, and ordered printed.

By Mr. Green—An Act to provide for the payment of services heretofore rendered the State.

Read first and second times and referred to the Committee on Public Lands.

By Mr. Betge—An Act amendatory of and supplementary to an Act legalizing ordinance eight hundred, as passed by the Board of Supervisors of the City and County of San Francisco.

Read first and second times and referred to the Committee on Public Lands, and ordered printed.

By Mr. Pendegast—An Act to amend an Act to regulate proceedings in civil cases in Courts of justice in this State, approved April twenty-ninth, A. D. eighteen hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

By Mr. Betge—An Act amendatory of and supplementary to an Act entitled an Act to provide for the improvement and protection of the wharves, docks and water fronts in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three, and the Act amendatory thereof, approved March fifth, eighteen hundred and sixty-four.

Read first and second times and referred to the Committee on Commerce and Navigation, and ordered printed.

By Mr. Murch—An Act to provide for the relief and maintenance of the indigent sick of Klamath County.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

Also, an Act to provide for the payment of warrants against the Hospital Fund of Klamath County.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

The rules were further suspended, and the above bills, just passed, ordered transmitted immediately to the Assembly.

By Mr. Betge—An Act the better to secure the collection of license taxes in the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

Also, an Act to legalize and confirm certain ordinances passed, and contracts made, by the Board of Supervisors of the City and County of San Francisco, relative to the removal of dead animals from the city limits.

Read first and second times and referred to the San Francisco delegation.

By Mr. Tompkins—An Act to authorize the Council of the City of Oakland to lay out, open or improve streets in said city.

Read first and second times and referred to the Judiciary Committee, and ordered printed.

Also, an Act concerning evidence.

Read first and second times and referred to the Judiciary Committee.

Also, an Act supplementary to an Act entitled an Act concerning assessments upon the stock of corporations, approved March twenty-sixth, eighteen hundred and sixty-six.

Read first and second times and referred to the Committee on Corporations.

Also, an Act to authorize Edward Hackett, his associates and assigns, to build and maintain a wharf on the Bay of San Francisco.

Read first and second times and referred to the Committee on Commerce and Navigation.

Also, an Act ratifying and confirming the action of the Common Council of the City of Oakland for relief of John Scott.

Read first and second times and referred to the Judiciary Committee.

By Mr. Wilson—An Act for the incorporation of the City of Anaheim.

Read first and second times and, with accompanying petition, referred to the Committee on Corporations.

By Mr. Tweed—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

By Mr. Hager—An Act to authorize the formation of special partnerships.

Read first and second times and referred to the Judiciary Committee, and ordered printed.

Also, an Act to amend an Act entitled an Act to organize and regulate the Justices' Courts in the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and sixty-six.

Read first and second times and referred to the San Francisco delegation.

Also, an Act to donate to the Society of California Pioneers the use and occupation of a certain piece of land in the City and County of San Francisco.

Read first and second times and, with accompanying petition, referred to the San Francisco delegation.

By Mr. Comte—An Act for the relief of Henry Kohn.

Read first and second times and referred to the Committee on Claims.

By Mr. Pendegast—An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

By Mr. Wand—An Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia.

Read first and second times and referred to the Committee on Commerce and Navigation, and ordered printed.

#### MOTIONS AND RESOLUTIONS.

Resolutions were introduced as follows:

By Mr. Irwin:

*Resolved*, That A. J. Starlings be and he is hereby appointed Assistant Copying Clerk, to act during the indisposition of W. S. Cooper, one of the Copying Clerks of the Senate, at the same per diem as that allowed Copying Clerks, to be paid out of the Contingent Fund of the Senate.

Adopted.

By Mr. Lawrence: A concurrent resolution relative to establishing a semi-weekly mail route between the Town of Snelling and the Town of San Luis, in Merced County, via Hopeton, Alexandra, Hill's Ferry and Cottonwood, and for the establishment of Post-offices on said route.

Read and referred to the Committee on Federal Relations.

#### NOTICE.

Mr. Curtis gave notice that he would, at an early day, introduce a bill for an Act to authorize the building of a Governor's mansion.

#### GENERAL FILE.

Senate took up bills on the general file as follows:

Senate Bill No. 41—An Act to amend section one of an Act, entitled an Act to authorize the issue of bonds by the County of Santa Clara, to



complete the Court-house of said county, and to erect a county jail, approved March twenty-fifth, eighteen hundred and sixty-eight, was passed on file.

Senate Bill No. 60—An Act to amend an Act to extend an Act to prevent stallions from running at large in the County of Sacramento, approved March twentieth, eighteen hundred and sixty.

Mr. Turner offered a substitute to said bill, which was adopted, and the bill ordered engrossed.

Senate Bill No. 33—An Act for the relief of L. P. Hall and Samuel J. Garrison, made the special order for Thursday, January sixth, at one o'clock P. M.

Senate Bill No. 4—An Act to regulate amusements.

Recommitted to the Judiciary Committee.

Senate Bill No. 17—An Act to amend an Act entitled an Act concerning wills, passed April tenth, eighteen hundred and fifty.

The author had leave to withdraw said bill.

Senate Bill No. 30—An Act to change the name of William Smith—was read, and, on motion, indefinitely postponed.

Senate Bill No. 32—An Act to change the name of Luther W. Barney—was read, and, on motion, indefinitely postponed.

Senate Bill No. 16—An Act to amend an Act entitled an Act concerning attorneys and counsellors at law, passed February nineteenth, eighteen hundred and sixty-one—was read and laid on the table.

Senate Bill No. 49—An Act to amend an Act entitled an Act to amend an Act entitled an Act to incorporate the Town of Grass Valley, approved March twenty-fourth, eighteen hundred and sixty-six—was passed on file.

Assembly Concurrent Resolution No. 6—Granting B. W. Jenks, County Clerk elect of Klamath County, leave of absence from State—was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendment adopted, resolution read third time and passed.

On motion of Mr. Tweed, at twelve o'clock and twenty minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,

Wednesday, January 5th, 1870. }

Senate met pursuant to adjournment.

President in the Chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. McDougall was granted leave of absence until Monday next, and Mr. Roberts for one day.

Mr. Morrill was recorded as present at roll call.

#### PETITION.

By Mr. Pacheco—Petition from citizens of Santa Barbara, asking for the passage of a trespass law for said county.

Read and referred to the Committee on Agriculture.

#### REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

MR. PRESIDENT : The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 54—An Act making an appropriation for the payment of rewards.

O'CONNOR, Chairman.

Mr. Morrill, from the Committee on Enrolment, made the following report :

MR. PRESIDENT : Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 34—An Act to extend the time for the collection of the assessments levied on outside lands.

Also, Senate Bill No. 35—An Act to extend the time for the collection of delinquent taxes on outside lands.

And on the twenty-third day of December, eighteen hundred and sixty-nine, at eleven o'clock A. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. Hager, from the Judiciary Committee, reported as follows :

MR. PRESIDENT : The Committee on the Judiciary, having had under consideration Senate Bill No. 15—An Act to amend an Act entitled an Act regulating marriages, passed April twenty-second, eighteen hundred and fifty ; and also, Senate Bill No. 47—An Act to repeal an Act relating to criminal prosecutions, approved April second, eighteen hundred and sixty-six—report the same back, and recommend that they do not pass.

At the request of the author thereof, the Committee also report back Senate Bill No. 61—An Act to authorize the Controller of State to issue duplicate warrant to J. T. Bailey—in order that the same may be withdrawn.

Also, report back Senate Bill No. 39—An Act to provide a correct report and publication of the decisions of the Supreme Court ; and Senate Bill No. 59—An Act to provide for the appointment of a Reporter of the Supreme Court and Assistant Attorney-General, and to define his duties and compensation—for the purpose of having them printed.

HAGER, Chairman.

On motion of Mr. Hager, ordered that Senate Bills Nos. 39 and 59 be printed.

**MESSAGE FROM THE GOVERNOR.**

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 4th, 1870.

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 34—An Act to extend the time for the collection of the assessments on the outside lands in the City and County of San Francisco.

Also, Senate Bill No. 35—An Act to extend the time for collection of delinquent taxes in the City and County of San Francisco, upon the lands known as outside lands.

H. H. HAIGHT,  
Governor.

**INTRODUCTION OF BILLS.**

Bills were introduced as follows:

By Mr. Orr—An Act for the relief of John H. Smith.

Read first and second times and, with accompanying documents, referred to the Committee on Claims.

By Mr. Burnett—An Act to establish a State Board of Health.

Read first and second times and referred to the Committee on Hospitals, and ordered printed.

Also, an Act to pay the estate of Peter Seilor, deceased, to his legal heirs.

Read first and second times and referred to the Committee on Claims.

By Mr. Betge—An Act to fix and regulate the salaries of certain officers of the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

Also, an Act to amend an Act entitled an Act to amend an Act supplementary to an Act entitled an Act to provide for a street railroad within the City and County of San Francisco, and other matters relating thereto, approved April twenty-first, eighteen hundred and sixty-three, the Act hereby amended having been approved March thirtieth, eighteen hundred and sixty-eight.

Read first and second times and referred to the San Francisco delegation.

By Mr. Wand—An Act to amend an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty.

Read first and second times and referred to the Committee on Corporations.

By Mr. Maclay—An Act to repeal a certain Act providing for the registration of the citizens of this State.

Read first and second times and referred to the Committee on Elections.

By Mr. Hager—An Act to provide for the culture of fish within the waters of this State.

Read first and second times and referred to the Judiciary Committee, and ordered printed.

By Mr. Pendegast—An Act to amend an Act to regulate proceedings

in civil cases in the Courts of justice in this State, approved April twenty-ninth, A. D. eighteen hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

#### MOTIONS, RESOLUTIONS AND NOTICES.

Resolutions were introduced as follows:

By Mr. Burnett:

*Resolved*, That C. C. Powning is hereby appointed Assistant Paper Folder of the Senate, at the per diem of four dollars, payable out of the Contingent Fund of the Senate.

Read and referred to the Committee on Contingent Expenses.

By Mr. Comte:

*Resolved*, That George M. Norton, Jr., Copying Clerk, be and he is hereby authorized to appoint two Assistant Clerks, who shall each receive the same per diem as is allowed the Copying Clerk.

Read and referred to the Committee on Contingent Expenses.

By Mr. Pendegast:

*Resolved*, That the correspondents of all daily newspapers on the floor of the Senate be allowed three daily papers, or their equivalent in weeklies, payable out of the Contingent Fund of the Senate.

Read and referred to the Committee on Contingent Expenses.

By Mr. Betge:

*Resolved*, That the Committee on Commerce and Navigation be allowed to employ a Clerk, to be paid the same per diem as Copying Clerk, out of the Contingent Fund of the Senate.

Read and referred to the Committee on Contingent Expenses.

Notice of the introduction of a bill was given as follows:

Mr. Farley gave notice that he would, at an early day, introduce a bill for the relief of Francis McGrath.

#### GENERAL FILE.

Senate took up bills on the general file as follows:

Senate Bill No. 41—An Act to amend section one of an Act entitled an Act to authorize the issue of bonds by the County of Santa Clara to complete the Court-house of said county and to erect a county jail, approved March twenty-fifth, eighteen hundred and sixty-eight.

Mr. Maclay moved that said bill be recommitted, with special instructions to amend as follows: Section one, in line six, is hereby amended so to read "one hundred thousand;" and report immediately.

Adopted.

Senate Bill No. 49—An Act to amend an Act entitled an Act to amend an Act entitled an Act to incorporate the Town of Grass Valley, approved March twenty-fourth, eighteen hundred and sixty-six—was passed on file.

Senate Bill No. 75—An Act to authorize the Board of Education of the City of Stockton to borrow money for school purposes.

Rules suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Green, at eleven o'clock and forty minutes A. M., the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Thursday, January 6th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

[Mr. Farley in the chair.]

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITION.

Mr. Saunders presented a petition from the San Francisco Ministerial Union, relative to a Sunday law.

Read and referred to the Committee on Public Morals.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined, and find correctly engrossed, substitute for Senate Bill No. 60—An Act to amend an Act to extend an Act to prevent stallions from running at large in the County of Sacramento, approved March twentieth, eighteen hundred and sixty.

Also, Senate Bill No. 75—An Act to authorize the Board of Education of the City of Stockton to borrow money for school purposes.

O'CONNOR, Chairman.

Mr. Morrill, from the Committee on Enrolment, made the following report:

MR. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined, and find correctly enrolled, Senate Bill No 27—

An Act to authorize the Regents of the University of California to establish a preparatory department.

Also, Senate Joint Resolution No. 1—Relative to the withdrawal of public lands.

And that this day, at twelve o'clock and forty-five minutes p. m., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. Wand, from the Committee on Contingent Expenses, reported as follows:

Mr. PRESIDENT: The Committee on Contingent Expenses have had under consideration resolution appointing J. R. Beard, Assistant Clerk at the Desk; also, resolution appointing Willie Overton, Newspaper File Clerk; also, resolution appointing C. C. Powning, Assistant Paper Folder; also, resolution authorizing George M. Norton, Jr., to appoint two Assistant Copying Clerks; also, resolution to furnish newspaper correspondents with daily papers; also, resolution authorizing Committee on Commerce and Navigation to employ a Clerk—all of which are herewith reported back, with the recommendation that they do not pass.

WAND, Chairman.

Mr. Maclay, from the Committee on Education, made the following report:

Mr. PRESIDENT: The Committee on Education, to whom was referred Senate Bill No. 51—An Act to establish and define the powers and duties of the Board of Education of the City of Petaluma—have had the same under consideration, report the same back, and recommend its passage.

MACLAY, Chairman.

Mr. Murch, from the Humboldt delegation, made the following report:

Mr. PRESIDENT: The Humboldt delegation, to whom was referred Assembly Bill No. 18—An Act to provide for the payment of the debt of Humboldt County, existing upon the thirty-first day of December, A. D. eighteen hundred and sixty-nine—have had the same under consideration, and report it back with a substitute, and recommend the passage of the substitute.

MURCH, for Delegation.

Mr. Maclay, from the Santa Clara delegation, reported back Senate Bill No. 41, with an amendment, and moved the adoption of the amendment. Adopted.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor.

Mr. Pendogast moved to dispense with the reading of the message, and that five thousand copies be ordered printed, and made the special order for Thursday, January thirteenth, at twelve o'clock m. Adopted.

[Circular.]

DEPARTMENT OF STATE,  
Washington, February 27th, 1869. }

*To his Excellency, the Governor of the State of California, Sacramento, Cal.*

SIR: I have the honor to transmit an attested copy of a resolution of Congress, proposing to the Legislature of the several States a fifteenth article to the Constitution of the United States. The decisions of the several Legislatures upon the subject are required by law to be communicated to this department. An acknowledgment of the receipt of this communication is required by

Your Excellency's  
Most obedient servant,

WILLIAM H. SEWARD.

UNITED STATES OF AMERICA,  
Department of State. }

*To all whom these presents shall come, greeting:*

I certify that annexed is a true copy of a concurrent resolution of Congress, entitled a resolution proposing an amendment to the Constitution of the United States; the original of which resolution, received to-day, is on file in this department.

In testimony whereof, I, William H. Seward, Secretary of State of the United States, have hereto subscribed my name and caused the seal of the Department of State to be affixed.

Done at the City of Washington, this twenty-seventh day of February, A. D. eighteen hundred and sixty-nine, and of the independence of the United States of America, the ninety-third.

[L. s.]

WILLIAM H. SEWARD.

[Copy.]

*Concurrent Resolution received at Department of State, February twenty-seventh, eighteen hundred and sixty-nine.*

A RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

*Resolved*, By the Senate and House of Representatives of the United States of America, in Congress assembled (two-thirds of both houses concurring), that the following article be proposed to the Legislatures of the several States, as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as part of the Constitution, namely:

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

SCHUYLER COLFAX,  
Speaker of the House of Representatives.  
B. F. WADE,  
President of the Senate, pro tempore.

Attest :

EDWARD MCPHERSON,  
Clerk of House of Representatives.  
GEORGE C. GORHAM,  
Secretary of Senate, U. S.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 5th, 1870.

GENTLEMEN OF THE SENATE AND ASSEMBLY : A proposed amendment to the Federal Constitution, embodied in a concurrent resolution of Congress, has been received at this Department and is hereby transmitted for your ratification or rejection. It is in the form of an additional article, and is as follows :

#### ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

The importance of the principle involved in this amendment will be accepted as a sufficient justification for accompanying it with some views upon the subject.

It is well to understand, at the outset, that the issue is not, what classes ought or ought not to be intrusted with the elective franchise, or whether, under any circumstances, race should or should not debar any from the exercise of this privilege. All this is a proper subject for consideration and settlement by the people of a State when they frame their organic law, but is not necessarily involved in considering the proposition submitted by Congress, which is to restrict the people of the several States from exercising their own independent judgment upon the subject. Whether, therefore, Chinese and Indian suffrage is expedient, is not directly in issue at present, but the question is whether the Federal Constitution ought to be so amended as, on one hand, to prevent the people of each State from excluding either of these races from the ballot box, if in their judgment such exclusion is necessary, and on the other, to give Congress the power to place other restrictions upon the exercise of suffrage without the assent of the State Legislatures ; in other words, whether suffrage should be controlled and regulated by each State for itself or controlled, enlarged and restricted by Congress alone.

Keeping, therefore, the issue separate from collateral ones, two questions are presented in the proposition. The first is a question of *power*, and the second one of *policy*. If it is not in the power of Congress, in conjunction with three-fourths of the States, to take from any State without its consent a right reserved at the formation of the Constitution ; in other words, if to deprive a State of a distinct right, originally reserved,



is not within the purview of the clause relating to amendments, then of course the proposed amendment must be rejected. And if it is in conflict with sound policy, the same result ought to follow.

WOULD THE AMENDMENT BE VALID IF IT WENT THROUGH THE FORMS OF ADOPTION?

This inquiry can only be intelligently answered by considering the nature and history of the Federal Constitution. When the people of any State, through their delegates in convention, frame a Constitution, they confide to it the whole mass of sovereign powers appertaining to the body politic, with such limitations only as are expressly imposed. The Constitution thus formed represents and embodies the entire sovereign power of the people with such exceptions as are stated in the instrument. The Constitution of the United States is not such an instrument as this. It was not formed upon any such principle, and is not subject to any such rules of construction. It does not represent the whole sovereign power of the people of the United States, considered either in their aggregate capacity or in their several distinct State organizations. It is not an instrument embodying the entire political power of the people, or of the States, with only specified exceptions, but on the contrary, it is a simple delegation to a constituted Federal authority of certain defined and enumerated powers. There is much unprofitable quibbling on this subject, and much disputation about words instead of substance.

There are certain facts of history which bear upon the legal questions involved, and to which it is well briefly to recur. When the Constitution was framed, the States of the Union were so many distinct independent sovereign communities. Great Britain was no more absolutely sovereign and independent than were the States of New York and Massachusetts, Rhode Island and others. Each of the States had a political organization or framework of government, based upon republican principles, which answered very well all the legitimate ends aimed at in political institutions. For the purpose, however, of harmonious co-operation in dealing with foreign nations, and to prevent collision among themselves, these independent States determined to confer certain governmental powers upon a federal head, and for this purpose the convention of seventeen hundred and eighty-seven was called together. It was composed of delegates from States, each of which was then an independent nationality. They framed an instrument which confided certain powers to a Federal Executive, Legislature and Judiciary, and which was acted upon and approved by the people of each State separately. No one State was bound without its assent, and each retained its absolute independence, except only so far as it parted with it to the Federal Government thus formed.

There has been an infinitude of discussion as to whether the Federal Constitution was framed by the people of the United States considered in mass, or by the people of each State acting as a separate political community. The simple truth of history is, that the Constitution was not the work of the people of the United States in their aggregate capacity, but was the work of the States acting as distinct and independent bodies. The word "State" is used in so many different senses that it is well to fix its signification in considering this subject. Using the word as signifying the people of each State, and not the territory or the legislative, executive and judicial authorities, it is an undeniable fact that the Federal Constitution was adopted by the States, and not by the

people of the whole country acting collectively. Each of the political communities termed States, in ratifying the Federal Constitution, delegated to the Government provided for by it the powers expressed in the charter, and none other. Each one reserved certain great sovereign powers, among which was the fundamental and essential attribute of all self-governing communities, to wit: that of determining who and what classes should participate in the election of its officers and in framing and administering its laws.

The clause of amendment in the Federal Constitution, although general in its language, should be construed in its relations to what was really the subject matter upon which it was to operate. It was a right to amend the Constitution, and this latter was simply the powers delegated to the Federal authority. Those powers might, by amendment, be modified, but the power to amend is properly and legitimately confined to this. The States can amend the "Constitution," that is, the "powers delegated," by pursuing certain steps, but farther than this, the right of amendment cannot go. This is not theory; it is simple history and fact. It is law as expounded in effect and in analogy by Chief Justice Marshall, one of the earliest and, perhaps, the greatest jurist our country has produced. Though he was in politics a Federalist and leaned toward strong central authority and against strict construction; though he went much farther in favor of federal power than either Jefferson, Madison or Monroe, still even he judicially declared, in the case of *Gibbons vs. Ogden*, in delivering the opinion of the Supreme Court of the United States, that the Federal Government "possessed only certain enumerated powers." In the same case, he says: "It has been said that they" (the States anterior to the formation of the Constitution) "were completely independent, and were connected with each other only by a league. This is true." In the case of *McCullough vs. The State of Maryland*, he used these expressions: "No political dreamer was ever wild enough to think of breaking down the lines which separate the States, and of compounding the American people into one common mass." This opinion was delivered in the year eighteen hundred and nineteen. Had Judge Marshall lived just half a century later, he would hardly have ventured to give this unqualified assurance; for we have not only many such men now in high places, but we have seen at this day those who advocate the erection of a grand central consolidated Government upon the ruins of the Constitution. In this same case, he says further: "This Government is acknowledged to be one of enumerated powers. The principle that it can exercise only the powers granted to it, is now universally admitted."

In the case of *Briscoe vs. The Bank of the Commonwealth of Kentucky*, Judge McLean, in delivering the opinion of the same Court, says: "The Federal Government is one of delegated powers; all powers not delegated to it are reserved to the States or to the people."

This principle is not new. It is as old as the Government. It is a fact of history. It is inscribed upon the very front of the Constitution; expressed in so many words in that instrument. It is a principle of law adjudged by the highest tribunal in the country.

Such is the Constitution to which the article relating to amendments was applied.

That article provides that Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments, which, when ratified by the Legislatures of three-fourths of the States, shall be valid as parts of the Constitution; provided, that no State shall, without its

consent, be deprived of its equal suffrage in the Senate. This proviso has been quoted to found upon it an argument that it constitutes the sole exception to an unlimited power of amendment, which might radically change and transform the whole system. It is obvious, however, that this proviso is entirely consistent with the limitation of the right of amendment to the powers delegated. It would be irrational to infer from a proviso inserted out of abundant caution any such sweeping results. The proviso was evidently inserted lest there might be some claim to modify what was part of the framework as originally constructed, and to appease the extreme jealousy entertained by the States lest there might be some interference with their perfect equality as distinct and independent communities. Under this same omnipotent power of amendment, *this very proviso might be stricken out by three-fourths of the States, if the power of amendment has no limit.* The same logic which sustains the proposition under review, would sustain the modification of that clause by striking out the prohibition.

It would hardly be contended that, by amendment, this right of equal suffrage could be infringed, and yet this is no more sacred than any right which is reserved by each State, and no more absolutely outside of the operation of the Constitution.

When the tenth article was adopted, which declares that "all powers not delegated to the United States are reserved to the States respectively or to the people," is it probable, or possible, that those who supported this article would have sanctioned the doctrine that, by process of amendment, any one State could be deprived of rights so carefully and jealously reserved?

It would occupy too much space to review at length the various judicial decisions which bear upon the question. Indeed most of the decisions, including those above referred to, declare axioms rather than solve problems, and state facts rather than announce principles.

A man may deny that the world is round, that the sun is the source of light and heat, that General Jackson commanded the American army at New Orleans, or any other fact, either of history or of nature; and much of what is termed "argument" against the right of each State to regulate its domestic concerns, and much of the claim made in behalf of Federal encroachment, has consisted in a bold denial of facts of history and in a vigorous assertion of fictitious events.

The very idea of amendment, it may be well said, involves the pre-existence of something which is to be amended, and, in this case, the proposition is to amend the powers originally delegated by depriving the States of a right reserved.

In common and parliamentary language there is a clear and definite meaning attached to the term "amendment," which implies the modification of some proposition already formed and stated, and, without doing violence to this ordinary use of the word, it cannot be said that a power which has no existence in the Federal Constitution can, by amendment, be either enlarged or abridged.

WHAT LIMIT CAN BE SET TO THE POWER OF AMENDMENT, AS CLAIMED BY CONGRESS?

This right to amend either has a limit or it has none. No rational man, however, would have the hardihood to contend that by an amendment a hereditary monarchy could be established, or provision made for breaking down State lines and "compounding the States into one com-

mon mass;" for depriving the people of any State of the power to elect their Executive, Legislature and Judiciary, or for accomplishing any complete subversion of our system. It is no answer to this to say that such things are too improbable and monstrous to be supposed, because we are discussing the simple question of power. If there is no limit to this process of amendment, the people of a section of the country *could* be deprived of every vestige of self-government, and held in a condition of provincial servitude. Whether such monstrous results are probable or improbable is not material to the present inquiry; but it may be truly said, in passing, that the abolition of civil government, and the the establishment of military rule and military tribunals, years after hostilities have ceased, is as monstrous a violation, not merely of law and Constitution, but of the first principles of civil liberty, as could well be conceived of.

The right of amendment, then, must have some limit. It is not an unlimited license to deprive any State of a right which it refused to surrender at the time it entered the Union, but in its spirit and essence has relation to the mass of delegated powers which compose what we call "the Federal Constitution."

Those who favor the proposition, argue that the clause of amendment is so general in its terms that it gives to Congress and three-fourths of the States power to construct a totally different system of government, and to deprive the remaining fourth of any or all the rights and powers heretofore possessed.

The unsoundness of this view will sufficiently appear from a candid consideration of the subject in the light of settled rules of construction. The clause ought not to be interpreted as standing separately by itself, but in its relations to other parts of the instrument, and in view of the whole scope and theory of the system. The great jealousy manifested by many of the original States when they entered into the Union shows clearly that they would never have voluntarily become entangled under a constitution which provided the means for their subversion and extinction.

The people of Rhode Island, when they ratified the Constitution, did so with this explicit declaration: "That the rights of the States, respectively, to nominate and appoint all State officers, and *every other power, jurisdiction and right which is not clearly delegated to the Congress of the United States*, or to the departments of Government thereof, *remain to the people of the several States, or their respective State Governments*, to whom they may have granted the same," etc.

All the other States, doubtless, ratified with the same understanding as that expressed by the people of Rhode Island. We are now asked to believe that every one of these powers, jurisdictions and rights, may be wrested from one-fourth of the States, by this process of amendment. and conferred, against their will, upon the Federal authority.

Of all the rights reserved, the last one probably which the States would have surrendered, was that of regulating and controlling the elective franchise within their borders. A proposition to allow the people of New York or Virginia to impose restrictions upon, or make rules respecting suffrage in Massachusetts, would have been rejected without a division. Neither the people of New York, or Virginia, or Massachusetts, would have tolerated the suggestion that the people of some other State should interfere with the exclusive regulation, by the former, of the elective franchise, or say who should or should not vote in the election of their Legislatures, and State and local officers. Nothing can be

more improbable than that either one of the original States, whose people had undergone such sufferings, and made such sacrifices of property and of blood to gain their independence, would have voluntarily surrendered it by conceding to the people of any other State, or to any power outside of themselves, the right to dictate who should or should not participate in the control of their local affairs.

What was the spirit and essence of the reservation made by the States of certain rights and powers? It was clearly understood that a "reserved power" was one withdrawn and excluded entirely from the operation of any and every clause in the Federal Constitution, including the clause in reference to amendments. The powers reserved were left under the sole and exclusive jurisdiction of each State, free from any other influence or control. This is what was intended and what was effected by reserving certain rights. Each State felt unwilling to place the rights which were thus retained, where they could be interfered with by any power except its own citizens, and the wisdom of this is becoming more manifest every day.

**THE PRACTICE OF THE GOVERNMENT TENDS TO SUPPORT THE VIEWS  
ABOVE ADVANCED.**

The first twelve amendments to the Constitution are designed to secure more perfectly the powers reserved by the States, and the personal rights of their citizens, and the twelfth amendment repeats the requirement that in voting for President the House of Representatives shall vote by States, each State having one vote. It was not until recently, after the Government had been in operation three-fourths of a century, that any attempt was made by amendment to interfere with the exclusive right of each State to regulate its domestic concerns. So far, therefore, as the uniform practice of the Government has weight, it bears strongly against the interpretation placed upon the clause under consideration by those who favor this amendment. It seems clear, then, upon principle and authority, that if the proposed amendment went through the forms of adoption it would be a mere *brutum fulmen*, destitute of any validity whatever. Aside, however, from the legal questions involved, the objections to the proposition on the score of *public policy* seem unanswerable. To say that the people of California should tie their hands upon this subject, is to charge upon them either incompetency to comprehend what is expedient and just to those within her jurisdiction, or unwillingness to be governed by justice and sound policy. It would require some boldness for any one to come before the people of this State with such a charge, and if the people are competent to determine whether any, and what, restrictions should be placed upon the elective franchise, it is difficult to discover any plausible reason why they should surrender the power of determination to a Congress of which they elect but five members in both Houses. It is fair to presume that the people of this State understand their duties and interests in reference to this subject quite as well as they are understood by the people of the States east of the mountains.

If this amendment is adopted, the most degraded Digger Indian within our borders becomes at once an elector and, so far, a ruler. His vote would count for as much as that of the most intelligent white man in the State. In this event, also, by a slight amendment to the naturalization laws, the Chinese population could be made electors.

It is contended by some that the exercise of suffrage is a matter of

absolute right, which cannot be withheld from any adult person, male or female, living under the Government. It is only upon this ground, if it were tenable, that there could be any argument in favor of the proposition embodied in the amendment; but this will not bear a moment's discussion. The elective franchise is not a right, but a privilege, to be conferred upon such classes only as can exercise it for the general good. If it were an absolute right, then the naturalization laws, requiring five years' residence, have been a continued outrage upon those who have come here from Europe to make this country their home. The whole theory of those laws is based upon increased qualifications supposed to result from a residence of five years. It is upon the same ground only that we justify our denial of the right to vote to young men of nineteen and twenty. The right of suffrage has never, at any time, nor in any country, been deemed an absolute or inalienable right, and never will be so, until common sense and reason cease to be a guide in political affairs.

There is no plausible argument, then, in favor of this amendment, which can be addressed to the people of this State. On the contrary, every consideration of legal right and public policy makes against it. Nothing could be more loose and objectionable than the clause which authorizes Congress to enforce the restraint upon the States by "appropriate" legislation. Who is to judge of what is "appropriate?" Under this phraseology, Congress is made the exclusive judge; and if it declares any particular measure enacted by that body to be appropriate, it would claim that, upon rules of construction, no tribunal would have the right to revise its discretion. Congress, then, under the guise of professedly "appropriate" legislation, could enact almost anything which a fertile imagination might suggest.

There is another serious objection to the form of this amendment. It declares that certain specified restrictions shall not be placed upon the elective franchise by the United States, leaving the inference open that any other restriction may be. The same school of loose constructionists, who are laboring to transform our federative system into a consolidated one, will hereafter argue that to restrict the United States in one direction recognizes their right to act in any other, and places, therefore, the whole subject under Congressional control. The artifice and deception already employed to engraft this provision upon the Constitution justify suspicions of the good faith of its advocates; but, whatever may be the motive for selecting the phraseology, the danger is apparent that an implication will be founded upon it to take from the States any power to resist Federal interference with suffrage, upon any ground which may accord with the judgment or caprice of representatives from other States.

The fourteenth and fifteenth amendments, so called, have a direct design and tendency to centralize the Government, and to deprive each State of any control over its local affairs. Under the Constitution, as originally framed, certain appropriate functions were assigned to the Federal Executive and Congress. It was intended to confine them to such objects as affected all the States in their federative capacity, and to leave each State the exclusive control of its local and domestic concerns. To depart from this design, and centralize all power at the Federal Capital, is to diverge widely from the original spirit of our system, and to violate the principles of self-government.

Any control over the local affairs of this State exercised by representatives elected by the people of one or more of the Atlantic States is

essentially a despotic control, because it is exercised by legislators neither chosen by us nor responsible to us. A rule not resulting from our choice, and wholly irresponsible, is of the essence of despotism. If, in our local concerns and interests, we are to be governed by representatives of other States, we might as well be governed by a foreign king or emperor. The control might be more enlightened and more conscientious in the former case, or it might not; but it certainly would not be less absolute, irresponsible and despotic.

We elect three of the two hundred and thirty-four members of the House and two of the seventy-four members of the Senate, but if those bodies are to regulate our domestic affairs and dictate to us our whole domestic and internal policy, we might as well have no representative in either body, because when they chance to differ from an arbitrary majority, ignorant of our wishes and interests, their voices and votes would be powerless. The evil is not atoned for to any extent, because at some time in the future our representatives might in the same way tyrannize over other communities. We neither desire to practice nor suffer despotic rule, and if the various amendments already proposed to the Federal Constitution were to have any legal validity, it is difficult to see what substantial right of self-government would be secure from the encroachments of central power.

The means taken to secure the passage of the proposed amendment are not such as to commend it to favor. A pledge of as solemn and unequivocal a character as could be framed, was given by the successful party in the late Presidential contest against any interference with the right of each of the Northern States to exercise exclusive control over the suffrage within their territory. Upon this pledge they succeeded in electing their candidates, and as soon as their success was secured they proceeded at once, in deliberate violation of the pledge given, to adopt every means within their reach to do precisely what they declared they would not do. These measures were as unworthy as the scheme itself was disreputable. Representatives were excluded from States which had not assented to the amendment, and their admission held out as a bribe to secure its ratification. Every expedient of coercion on the one hand and reward on the other has been resorted to. The people were not allowed the opportunity to manifest their will, but the amendment was pressed through the Legislature of more than one State whose people were notoriously adverse to it. No amendment adopted by the use of such means could possess any binding obligation unless it has become a principle of constitutional law that falsehood, fraud and duress can impart validity to an amendment when the same elements would avoid a contract between private parties in any Court of justice in Christendom.

It is idle to suppose that the people of this State or of any other of the States will be satisfied to have wrested from them the right to control their local affairs. They are not blind to the fact, that it is this control which is but another name for liberty, and which is liberty. No system which violates the maxims and principles of freedom can be made permanent by political artifice or by the use of military force. It is too much in conflict with the genius and traditions of the American people, and with that inextinguishable love of liberty which, though it may seem dormant for a while, will certainly revive and assert its irresistible power. It is not possible for an oligarchy of politicians, sitting in conclave at Washington, to continue long to exercise arbitrary control over the people of remote States in all the arrogance of conscious tyr-

anny, violating that cardinal doctrine of all free government, to wit: that every people has the absolute and inalienable right to control their own destiny, and to form their own political and social institutions. It is this principle, consecrated by the blood of the martyrs of freedom in our own revolution and in all ages, which no political organization can safely violate, and which lies at the foundation of the struggle now in progress in this country. The attempt is made to transfer political power from the people themselves to legislators at Washington; to submerge the Executive and Judiciary under unlimited Congressional control; to destroy all the checks and balances of our system and convert it into one resembling the French National Convention, from which the people of that country gladly escaped by seeking refuge in the despotism of one man from that of an unscrupulous and tyrannical legislative majority. Such an attempt can never permanently succeed among a people educated to freedom as are the Americans from childhood. It needs but that they should see the contest as it is between liberty and local self-government on one side and centralized power or despotism on the other, and to this they cannot long be blind. Peace in our distracted country is an object desired by all, but it is only attainable by recognizing the truth that Government derives its just powers from the consent of the governed, and that it is not possible to perpetuate arbitrary rule, in the hands either of a king or of a Congress. The right of self-government is as sacred to the people of Georgia as it is to those of Massachusetts, and the tyranny of political adventurers over the people of States whose representatives have been arbitrarily excluded from Congress, to whom all the promises of the Government have been falsified and whose liberties have been trampled under foot, will at no distant day be justly regarded as among the most wrongful of those which have defaced the annals of modern times.

It would be unjust to the mass of the Republican party to suppose that this tyranny has their deliberate sanction. It is condemned by all of them whose minds are not under the dominion of party prejudice and whose judgments are not clouded by the bitterness engendered in the war; but if it were true that the rank and file of that party or the majority of the people of the Northern States were so far misled by their political leaders as to look on with complacency while chains were being placed on their own necks and on those of their Southern brethren, we would still owe it to ourselves and to the cause of constitutional liberty throughout the world, to raise our voices in condemnation and in warning.

In view, then, of the want of legal power to bind any State to this so-called amendment, and of the pernicious principle which it embodies, as well as in view of the scandalous manner in which the people of the several States have been sought to be defrauded, bribed and coerced into its adoption, I trust it will be formally rejected by your honorable bodies.

H. H. HAIGHT.

**MESSAGE FROM THE ASSEMBLY.**

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
January 5th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body, that the Assembly, on the twenty-first day of December, eighteen hundred



and sixty-seven, passed Assembly Bill No. 15—An Act amendatory of and supplemental to an Act entitled an Act relative to the office of District Attorney of the County of Sacramento, approved March sixteenth, eighteen hundred and sixty-four.

Also, on the fourth day of January, eighteen hundred and seventy, passed Assembly Bill No. 23—An Act to authorize Alexis Kustel and Oscar Kustel, and their assigns, to construct and maintain a chute and landing at or near Fish-rock landing, Mendocino County, and to charge and collect tolls for the use of the same.

Also, Assembly Bill No. 32—An Act to extend the provisions of an Act entitled an Act concerning hogs running at large in certain counties in this State, approved April twenty-first, eighteen hundred and sixty-five.

Also, Assembly Bill No. 28—An Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to pay a certain claim of P. W. Vanwinkle.

Also, passed Senate Bill No. 13—An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county expenditures.

And that the Assembly refused to concur in Senate amendment to Assembly Bill No. 14—An Act to provide for purchasing postage stamps and express envelopes for members and officers of the Legislature.

CRAWFORD,  
Assistant Clerk.

The following message was also received from the Assembly:

ASSEMBLY CHAMBER,  
January 6th, 1870. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Senate Bill No. 58—An Act to amend an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight.

Also, passed Assembly Bill No. 2—An Act amendatory of and supplementary to an Act, passed March twenty-sixth, eighteen hundred and sixty-six, entitled an Act to organize and regulate the Justice's Court in the City and County of San Francisco, and to extend the powers and duties of the Sheriff of said city and county.

CRAWFORD,  
Assistant Clerk.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Tompkins—An Act to settle and pay the unpaid expenses of the State geological survey.

Read first and second times and referred to the Finance Committee.

By Mr. Minis—An Act to authorize a steam ferry to ply between South Vallejo, the City of Vallejo and Mare Island.

Read first and second times and, with accompanying documents, referred to the Committee on Commerce and Navigation, and ordered printed.

By Mr. Betge—An Act to establish a morgue for the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Maclay—An Act to reincorporate the City of Santa Clara.

Read first and second times and, with accompanying petition, referred to the Committee on Corporations.

By Mr. Conn—An Act for the relief Charles Welsh.

Read first and second times and, with accompanying documents, referred to the San Francisco delegation.

By Mr. Hager—An Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island, Vallejo and Benicia.

Read first and second times and referred to the Committee on Commerce and Navigation, and ordered printed.

Also, an Act supplementary to and amendatory of an Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia, approved April fourteenth, eighteen hundred and sixty-four.

Read first and second times and referred to the Committee on Commerce and Navigation, and ordered printed.

By Mr. Saunders—An Act to fix and regulate the salaries of the Auditor's Clerk and the Deputy Treasurer of the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

Also, an Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

Read first and second times and referred to the San Francisco delegation.

Also, an Act dedicating a portion of Hamilton Square, in the City and County of San Francisco, for the uses and purposes of the State Normal School, and authorizing the Mayor of said city and county to convey to the State the interest of the said city and county therein.

Read first and second times and referred to the San Francisco delegation.

\*Also, an Act to confirm a certain order passed by the Board of Supervisors of the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Minis—An Act to amend the Act entitled an Act to regulate elections, passed March twenty-third, eighteen hundred and fifty, and the various Acts amendatory thereof.

Read first and second times and referred to the Committee on Elections, and ordered printed.

By Mr. Turner—An Act to restrict and regulate the sale of alcoholic liquors.

Read first and second times and referred to the Committee on Public Morals.

By Mr. Pendegast—An Act to raise a fund for the improvement of Napa City.

Read first and second times and placed on file.

## MOTIONS, RESOLUTIONS AND NOTICES.

Resolutions were introduced as follows :

By Mr. Gwin :

**WHEREAS**, On the first day of September, eighteen hundred and forty-nine, delegates elected by the people met in convention at Monterey, in this State, and made the Constitution of California, which was ratified by the people on the thirteenth day of November, eighteen hundred and forty-nine; and whereas, on the ninth day of September, eighteen hundred and fifty, Congress passed a law in which it was declared that the State of California shall be one, and is hereby declared to be one of the United States of America, and admitted into the Union on an equal footing with the original States, in all respects whatever; and whereas, in the Tenth Amendment to the Constitution of the United States, it is declared : "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people;" and whereas, among these reserved powers is the right of each State to determine what portion of its inhabitants shall be entitled to suffrage; and whereas, the proposed Fifteenth Amendment to the Constitution of the United States takes the control of suffrage from each and all of the States and gives it to the Congress of the United States; therefore be it

*Resolved*, That the Constitution of the United States confers no power upon Congress to propose to three-fourths of the States such an amendment to the Constitution; and gives no power to three-fourths of the States to ratify the same, because such power is reserved to each of the States respectively. Be it further

*Resolved*, That on her admission into the Union as a State, California was invested with the right to declare what persons should be entitled to vote within her boundaries, and until she, by her voluntary act, surrenders that right, the Congress of the United States has no authority to exercise such power within her jurisdiction.

Read and made the special order for Thursday, January thirteenth, at twelve o'clock M., and ordered printed.

By Mr. Betge :

*Resolved*, That two hundred and forty extra copies of Senate Bill No. 84 be ordered printed.

Adopted.

The Senate took up the resolution introduced by Mr. Maclay, December twenty-second, relative to the President of the Senate appointing a Committee on Railroads.

[Mr. Pendegast in the chair.]

Mr. Hager offered a substitute, that the Committee on Corporations also act as a Committee on Railroads.

Lost.

Upon the adoption of the original resolution, the ayes and noes were demanded by Messrs. Saunders, Maclay and Lawrence, and the resolution was adopted, by the following vote :

**AYES**—Messrs. Beach, Burnett, Curtis, Green, Gwin, Hunter, Hutchings, Maclay, Minis, Murch, O'Connor, Perkins, Tompkins, Turner, Wand and Wilson—16.

**NOES**—Messrs. Conly, Conn, Hager, Irwin, Larkin, Lawrence, Morrill, Orr, Pacheco, Pendegast, Saunders, Tweed and Wing—13.

Mr. Perkins gave notice that he would, on to-morrow, reconsider the vote by which the resolution was adopted.

#### GENERAL FILE.

The Senate took up bills on the general file as follows :

Senate Bill No. 49—An Act to amend an Act entitled an Act to amend an Act entitled an Act to incorporate the Town of Grass Valley, approved March twenty-fourth, eighteen hundred and sixty-six—was passed on file.

Senate Bill No. 15—An Act to amend an Act entitled an Act regulating marriages, passed April twenty-second, eighteen hundred and fifty—was laid on the table.

Senate Bill No. 47—An Act to repeal an Act relating to criminal prosecutions—was indefinitely postponed.

Senate Bill No. 61—An Act to authorize the Controller of State to issue duplicate warrants to J. T. Bailey—was withdrawn.

#### SPECIAL ORDER.

Senate Bill No. 33—An Act for the relief of L. P. Hall and Samuel J. Garrison.

On motion, the special order was taken up at twelve o'clock and twenty-five minutes P. M., and made the special order for to-morrow (Friday) at one o'clock P. M.

#### POINT OF ORDER.

Mr. Hager raised the point of order, that the decision of the Chair in deciding the resolution adopted, relative to appointing a Committee on Railroads, was erroneous, it requiring, under rule forty-one of the standing rules of the Senate, a two-thirds vote to adopt said resolution.

The Chair decided the point of order well taken.

Mr. Maclay appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the decision of the Senate?" the ayes and noes were demanded by Messrs. Larkin, Perkins and Green, and the decision of the Chair was sustained, by the following vote :

**AYES**—Messrs. Betge, Burnett, Conn, Curtis, Farley, Fowler, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Morrill, Murch, O'Connor, Orr, Pacheco, Perkins, Saunders, Turner, Tweed, Wand and Wing—24.

**NOES**—Messrs. Beach, Conly, Green, Maclay, Minis, Tompkins and Wilson—7.

Mr. Turner was granted leave of absence until Monday next.

At twelve o'clock and thirty-two minutes P. M., on motion of Mr. Conn, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest : JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, January 7th, 1870. }

Senate met pursuant to adjournment.  
President in the chair.  
Roll called and quorum present.  
Prayer by the Rev. O. P. Fitzgerald.  
Journal of yesterday read and approved.

## REPORTS.

Mr. Saunders, from the Committee on Corporations, made the following report :

Mr. PRESIDENT : The Committee on Corporations, to whom was referred Senate Bill No. 92—An Act for the incorporation of the City of Anaheim—having had the same under consideration, report it back and recommend its passage.

Also, Senate Bill No. 105—An Act to amend an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty—report the same back and recommend its passage.

SAUNDERS, Chairman.

Mr. Fowler, from the Committee on Agriculture, made the following report :

Mr. PRESIDENT : The Committee on Agriculture, to whom was referred Senate Bill No. 65—An Act to amend an Act entitled an Act concerning agricultural societies, approved March twelfth, eighteen hundred and fifty-nine—report the same back and recommend its passage.

FOWLER, Chairman.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Orr—An Act to re-incorporate the City of Stockton and amendatory to an Act entitled an Act to re-incorporate the City of Stockton, approved April twenty-first, eighteen hundred and sixty-two. Read first and second times and referred to the Committee on Corporations.

By Mr. Minis—An Act to authorize Thomas J. Johnson and his associates to construct and maintain a railroad in the City of Vallejo and County of Solano.

Read first and second times and referred to the Committee on Corporations.

By Mr. Perkins—An Act for the encouragements of agriculture and the invention and construction of a locomotive steam plow.

Read first and second times and referred to the Committee on Agriculture.

By Mr. Saunders—An Act to confirm a certain conveyance made by the Board of Education of the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Wand—An Act to authorize the Assessor of the City and County of San Francisco to appoint deputies.

Read first and second times and referred to the San Francisco delegation.

By Mr. Pacheco—An Act to legalize and confirm certain grants and sales of town lands by the Board of Trustees of the Town of Santa Barbara, and by the Mayor and Common Council of the City of Santa Barbara, made since the passage of the Act of May fourteenth, eighteen hundred and sixty-one.

Read first and second times and placed on file.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

The Senate took up the consideration of Assembly messages, as follows:

Assembly Bill No. 28—An Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to pay a certain claim of P. W. Vanwinkle—heretofore reported.

Read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 2—An Act amendatory of and supplementary to an Act passed March twenty-sixth, eighteen hundred and sixty-six, entitled an Act to organize and regulate the Justice's Court in the City and County of San Francisco, and to extend the powers and duties of the Sheriff of said city and county—heretofore reported.

Read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 14—An Act to provide for purchasing postage stamps and express envelopes for members and officers of the Legislature—heretofore reported.

Assembly report their refusal to accede to Senate amendment to said bill.

Mr. Curtis moved that the Senate recede from the amendment.

Carried.

Assembly Bill No. 15—An Act amendatory of and supplemental to an Act entitled an Act relative to the office of District Attorney of the County of Sacramento, approved March sixteenth, eighteen hundred and sixty-four—heretofore reported.

Read first and second times and referred to the Sacramento delegation.

Assembly Bill No. 23—An Act to authorize Alexis Kustel and Oscar Kustel, and their assigns, to construct and maintain a chute and landing at or near Fish Rock Landing, Mendocino County, and to charge and collect tolls for the use of the same—heretofore reported.

Read first and second times and referred to the Mendocino delegation.

Assembly Bill No. 32—An Act to extend the provisions of an Act entitled an Act concerning hogs running at large in certain counties in this State, approved April twenty-first, A. D. eighteen hundred and sixty-five—heretofore reported.

Read first and second times and referred to the Committee on Agriculture.

# RESOLUTIONS.

By Mr. Curtis :

*Resolved* by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate be authorized and is hereby empowered to correct an error in substitute for Senate Bill No. 3, entitled an Act in relation to the common schools of the City of Sacramento, so that the last five words of section two in the above named Act shall read "third section of this Act," instead of "second section of this Act."

Adopted. \*

By Mr. Lawrence :

*Resolved*, That when the Senate adjourns to-day, it adjourn to meet on Monday, January tenth, eighteen hundred and seventy, at two o'clock and thirty minutes P. M., out of respect to the memory of General Andrew Jackson, the hero of New Orleans.

Adopted.

# NOTICES.

Notice of the introduction of bills were given as follows :

Mr. Gwin gave notice that he would, at an early day, introduce a bill conferring further powers upon the State Board and the Board of Tide Land Commissioners named in and appointed under the Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight.

Mr. Saunders, from the San Francisco delegation, reported back Senate Bill No. 118, and, on motion, said bill referred to the Committee on Education.

On motion, Assembly Bill No. 7 was referred to the Santa Clara and Santa Cruz delegations.

# GENERAL FILE.

Senate took up bills on the general file as follows :

Senate Bill No. 60—Substitute for an Act to amend an Act to extend an Act to prevent stallions from running at large in the County of Sacramento, approved March twentieth, eighteen hundred and sixty—was withdrawn.

Senate Bill No. 49—An Act to amend an Act entitled an Act to amend an Act entitled an Act to incorporate the Town of Grass Valley, approved March twenty-fourth, eighteen hundred and sixty-six—was passed on file.

Senate Bill No. 122—An Act to raise a fund for the improvement of Napa City.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 41—An Act to amend section one of an Act entitled an Act to authorize the issue of bonds by the County of Santa Clara to complete the Court-house of said county and to erect a county jail, approved March twenty-fifth, eighteen hundred and sixty-eight.

Read a third time and passed.

Senate Bill No. 51—An Act to establish and define the powers and duties of the Board of Education of the City of Petaluma.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 18—An Act to provide for the payment of the debt of Humboldt County, existing upon the thirty-first day of December, eighteen hundred and sixty-nine.

Referred to the Judiciary Committee.

#### LEAVE.

Mr. Lewis had leave to withdraw the resolution relative to appointing J. R. Beard assistant at the Secretary's desk.

By unanimous consent, the order making Senate Bill No. 83 the special order for this day, at one o'clock P. M., was rescinded, and the bill taken up.

#### CONSIDERATION OF SPECIAL ORDER.

Senate Bill No. 83—An Act for the relief of L. P. Hall and Samuel J. Garrison.

Mr. Tompkins moved to recommit the bill to the Committee of the Whole, with special instructions to report as follows:

#### AN ACT FOR THE RELIEF OF L. P. HALL AND S. J. GARRISON.

*The People of the State of California, represented in Senate and Assembly, do enact as follows:*

SECTION 1. L. P. Hall and S. J. Garrison are hereby authorized and empowered to commence an action in the District Court in and for the County of Tulare, against said County of Tulare, to recover the damages sustained by them, by reason of the destruction of their printing office and property at Visalia, in said county, by a mob or riotous assembly, in the month of , eighteen hundred and sixty , with the like effect, and subject only to the same defences, as if said action had been commenced immediately after the said damages were sustained; *provided*, that such action shall be commenced within three months from the passage of this Act.

SEC. 2. In case a final judgment shall be had against said county in said action, it shall be the duty of the Supervisors of said county to levy and collect the amount thereof, and interest, by tax, in the same manner as other county taxes in said county are levied and collected, and when so collected, to pay the same to said Hall and Garrison.

SEC. 3. This Act shall take effect immediately.

Upon the motion to recommit, the ayes and noes were demanded by Messrs. Green, Murch and Beach, and the Senate refused to recommit, by the following vote:

**AYES**—Messrs. Beach, Betge, Chappell, Conly, Conn, Green, Murch, O'Connor, Orr, Pacheco, Perkins, Saunders, Tompkins, Tweed and Wing—15.

**NOES**—Messrs. Banvard, Burnett, Comte, Curtis, Farley, Fowler, Gwin, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Minis, Morrill, Pendegast, Wand and Wilson—21.



Upon the passage of the bill, the ayes and noes were demanded by Messrs. Murch, Saunders and Green, and the bill was passed, by the following vote:

**AYES**—Messrs. Banvard, Betge, Comte, Curtis, Farley, Fowler, Gwin, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Minis, Pendegast, Wand and Wilson—19.

**NOES**—Messrs. Beach, Burnett, Chappell, Conly, Conn, Green, Hager, Morrill, Murch, O'Connor, Orr, Pacheco, Perkins, Saunders, Tompkins, Tweed and Wing—17.

#### INTRODUCTION OF BILLS.

Mr. Tweed had leave to introduce the following bill—An Act regulating the assessment and taxation of railroads and other roads for revenue purposes, and other matters relating thereto.

Read first and second times and referred to the Judiciary Committee.

#### REPORTS.

Mr. Hager, from the Judiciary Committee, had leave to make the following report:

**MR. PRESIDENT:** The Judiciary Committee report back Senate Bill No. 4, and the substitute therefor, with a substitute for said bill and substitute, and recommend the passage of the substitute here reported.

HAGER, Chairman.

Mr. Morrill, from the Committee on Enrolment, made the following report:

**MR. PRESIDENT:** Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 54—An Act making an appropriation for the payment of rewards, and this day, at one o'clock and ten minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

The rules were suspended and Mr. Curtis had leave to present a remonstrance from the Sacramento Ministerial Union, against the repeal of the present Sabbath law, which was read and placed on the table.

Pursuant to resolution, the President of the Senate appointed the following standing Committee on Immigration: Messrs. Betge, Hutchings, Perkins, Conn and Orr.

On motion of Mr. Pendegast, at one o'clock and forty-five minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Monday, January 10th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Friday, January seventh, read and approved.

Mr. Conly was granted leave of absence for one day.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed, Senate Bill No. 122—An Act to raise a fund for the improvement of Napa City.

O'CONNOR, Chairman

Mr. Pendegast, from the Committee on Public Lands, made the following report:

Mr. PRESIDENT: Your Committee on Public Lands, to whom was referred Assembly Concurrent Resolution No. 7—In regard to lieu land locations—respectfully report the same back and recommend its adoption.

Also, report back Senate Bill No. 81—An Act to provide for the payment of services heretofore rendered the State—with an amendment, and recommend its passage as amended.

PENDEGAST, Chairman.

Mr. Pendegast reported back Assembly Bill No. 23, and moved its reference to the Judiciary Committee.

Carried.

[President pro tem., Mr. Lewis, in the chair.]

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 7th, 1870.

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 27—An Act to authorize the Regents of the University of California to establish a preparatory department.

H. H. HAIGHT,  
Governor.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
January 7th, 1870. }

Mr. PRESIDENT : I am directed to inform your honorable body, that the Assembly, on yesterday, concurred in Senate amendment to Assembly Concurrent Resolution No. 6—granting B. W. Jenks leave of absence from the State ; and passed Senate Bill No. 75—An Act to authorize the Board of Education of the City of Stockton to borrow money for school purposes.

Also, Senate Bill No. 28—An Act concerning the office of Public Administrator in Napa County.

Also, Assembly Bill No. 80—An Act in relation to ferries and toll bridges in the County of Butte.

MOFFET,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 80—An Act in relation to ferries and toll bridges in the County of Butte—was read first and second times and placed on file.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Gwin—An Act conferring further powers upon the State Board and the Board of Tide Land Commissioners, named in and appointed under the Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight.

Read first and second times and referred to the Finance Committee, and ordered printed.

By Mr. Hutchings—An Act to authorize L. B. Clark, William Fried, Jefferson Wilcoxon, C. E. Wilcoxon and James Faris, and their associates, to construct and maintain a toll bridge across the Yuba River, at a point known as Simpson's Crossing, in Yuba County.

Read first and second times and referred to the Yuba delegation.

By Mr. O'Connor—An Act to provide for engraving and printing Controller's warrants.

Read first and second times and referred to the Finance Committee.

Also, an Act to authorize Elizabeth W. P. Keeney, administratrix of the estate of George Keeney, deceased, to sell certain lands of said estate.

Read first and second times and referred to the Judiciary Committee.

By Mr. Conn—An Act to repeal an Act entitled an Act for the encouragement of agriculture and manufactures in California.

Read first and second times and referred to the Committee on Agriculture.

Also, an Act to authorize Morris Wolff, Lewis Jacobs and John Ruffin, and their assigns, owners of an artesian well in the Town of San Bernardino, to lay down water pipes in the public streets of San Bernardino.

Read first and second times and referred to the Committee on Corporations.

By Mr. Lawrence—An Act to provide for levying a special tax to pay for building and furnishing a public school house in Jackson School District, in the County of Merced.

Read first and second times and referred to the Committee on Education.

Also, an Act to provide for levying a special tax to construct and furnish a public school house in Merced Falls School District, in Merced County.

Read first and second times and referred to the Committee on Education.

By Mr. Irwin—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

By Mr. Wand—An Act to appropriate money for contingent expenses of the Legislature at the eighteenth session thereof.

Read first and second times, rules suspended and bill considered engrossed, read a third time and passed.

The rules were further suspended and the bill ordered to be transmitted immediately to the Assembly.

By Mr. Comte—An Act granting to certain parties the right to lay down and maintain and operate a street railway in the City and County of Sacramento.

Read first and second times and referred to the Sacramento delegation.

By Mr. Tweed—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State—passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

Also, an Act supplemental to an Act entitled an Act to create a Board of Supervisors in the counties of this State, and to define their duties and powers, approved March nineteenth, eighteen hundred and fifty-five, and the several Acts amendatory thereof and supplementary thereto.

Read first and second times and referred to the Judiciary Committee.

#### MOTION, RESOLUTIONS AND NOTICES.

Resolutions were introduced as follows:

By Mr. McDougall:

*Resolved*, That the Committee on State Hospitals be and they are hereby allowed a Clerk, with the same per diem as is allowed to other clerks of committees; pay of said Clerk to commence with services.

Read and referred to the Committee on Contingent Expenses.

By Mr. Betge:

*Resolved*, That the Committee on Immigration be authorized to employ W. C. Cameron, as a Clerk, who shall act in the same capacity for the Committees on Mines and Mining and Roads and Highways, at the rate of five dollars per diem, to be paid out of the Contingent Fund of the Senate.

Read and referred to the Committee on Contingent Expenses.

Mr. O'Connor, of the Engrossing Committee, offered the following resolution :

*Resolved*, That the Engrossing Clerk of the Senate be and he is hereby authorized to appoint one or more assistants, whenever, in the opinion of the Engrossing Committee, such assistant or assistants may be required ; and that they receive the per diem allowed by law, to be paid out of the Contingent Fund of the Senate.

Adopted.

By Mr. Morrill :

*Resolved*, That the Enrolling Clerk is hereby authorized to appoint an assistant or assistants, as the duties of his office may require, with the consent of the Enrolling Committee, to receive the same per diem as the Enrolling Clerks, payable out of the Contingent Fund of the Senate.

Mr. Minis moved to amend by striking out "same per diem as allowed Enrolling Clerks," and insert "five dollars per diem."

Adopted.

The resolution, as amended, was adopted.

Mr. Tweed moved that the usual number of copies of Senate Bill No. 129 be printed.

Carried.

Messrs. Roberts and Turner had leave to have their names recorded as voting in the negative on the passage of Senate Bill No. 33—An Act for the relief of L. P. Hall and S. J. Garrison.

Mr. Tweed introduced the following resolution :

*Resolved* by the Senate, the Assembly concurring, That the several State officers of California be requested to give employment, in their several departments and offices, to women, whenever it is practicable to do so without detriment to the public service ; and that like compensation be paid for such services as is now allowed to men employed in said several departments and offices.

Mr. Fowler moved to lay the resolution on the table.

Upon the motion to lay the resolution on the table, the ayes and noes were demanded by Messrs. Curtis, Lawrence and Perkins, and the Senate refused, by the following vote :

**AYES**—Messrs. Banvard, Conn, Farley, Fowler, Hutchings, Kincaid, Larkin, Morrill, Pendegast, Wand and Wilson—11.

**NOES**—Messrs. Beach, Betge, Burnett, Chappell, Comte, Curtis, Green, Gwin, Irwin, Lawrence, Lewis, Maclay, McDougall, Minis, Murch, O'Connor, Orr, Pacheco, Perkins, Roberts, Saunders, Tompkins, Turner, Tweed and Wing—25.

Mr. Farley moved to adjourn.

Lost.

Mr. Larkin moved to indefinitely postpone the resolution.

Upon which the ayes and noes were demanded by Messrs. Tweed, Murch and Conn, and the Senate refused, by the following vote :

AYES—Messrs. Banvard, Betge, Comte, Conn, Farley, Fowler, Hunter, Hutchings, Kincaid, Maclay, Minis, Morrill, O'Connor, Pendegast, Tompkins, Wand and Wilson—17.

NOES—Messrs. Beach, Burnett, Chappell, Curtis, Green, Gwin, Irwin, Larkin, Lawrence, McDougall, Murch, Orr, Pacheco, Perkins, Roberts, Saunders, Turner, Tweed and Wing—19.

On motion of Mr. Larkin, at four o'clock and fifteen minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, January 11th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PROTEST.

Mr. Murch presented a protest from residents of Humboldt County against the passage of a bill for the funding of the debt of said county.

Read and referred to the Judiciary Committee.

## PETITIONS.

Petitions were presented as follows :

By Mr. Morrill—Petition from residents of the City of Stockton relative to extending of the boundary of the City of Stockton so as to embrace the environs of said city.

Read and referred to the Committee on Corporations.

By Mr. Orr—Petition from residents in the district commonly known as the environs of the City of Stockton, to be incorporated into and made a part of the City of Stockton.

Read and referred to the Committee on Corporations.

By Mr. Tompkins—Petition from the citizens of Oakland for the division of said city into wards.

Read and referred to the Committee on Corporations.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

**Mr. PRESIDENT:** The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 51—An Act to establish and define the powers and duties of the Board of Education of the City of Petaluma.

O'CONNOR, Chairman.

**Mr. Morrill,** from the Committee on Enrolment, made the following report:

**Mr. PRESIDENT:** Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 58—An Act to amend an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 13—An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county purposes.

And this day, at three o'clock and fifty-five minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
January 10th, 1870. }

**Mr. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on Friday, passed the following bills and concurrent resolutions:

Assembly Bill No. 46—An Act to amend an Act to authorize Lyman Leslie, Paul K. Hubbs and their associates, successors and assigns, to build and maintain a wharf at the City of Vallejo, in the County of Solano, approved March thirtieth, eighteen hundred and sixty-eight.

Assembly Bill No. 52—An Act to amend an Act entitled an Act to grant Larkin Lamb and his associates the right to construct and maintain a toll bridge across the Cosumnes River, in the Counties of Amador and El Dorado, approved March sixth, eighteen hundred and sixty-three.

Assembly Concurrent Resolution No. 5—To establish a mail route from Tuolumne City to Millerton.

Assembly Concurrent Resolution No. 15—Relative to printing Governor's special message.

Also, on this day, concurred in Senate concurrent resolution, authorizing the Enrolling Clerk of the Senate to correct substitute for Senate Bill No. 3—An Act in relation to the common schools of the City and County of Sacramento.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution No. 15, above reported, was read and adopted.

Assembly Concurrent Resolution No. 5, above reported, was read and referred to the Committee on Federal Relations.

Assembly Bill No. 52, above reported, was read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 46, above reported, was read first and second times and referred to the Committee on Commerce and Navigation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Green—An Act to provide for the restoration and preservation of fish in the waters of this State.

Read first and second times and referred to the Committee on Agriculture, and ordered printed.

By Mr. McDougall—An Act to authorize William Vanderhurst, C. S. Abbott, James Houston, George Graves and James Bardin, their associates and assigns, to construct a railroad from the City of Monterey to the Town of Salinas, with a branch road to the Pajaro River, near Watsonville.

Read first and second times and referred to the Committee on Corporations.

By Mr. Minis—An Act to authorize William Thompson and J. M. Martin, their associates, successors and assigns, to build and maintain a wharf at the City of Vallejo, in the County of Solano.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Tompkins—An Act to divide the City of Oakland into wards, and to provide for the holding of elections therein.

Read first and second times and referred to the Committee on Corporations, and ordered printed.

By Mr. Banvard—An Act for the relief of John Kneeland.

Read first and second times and referred to the Committee on Claims.

By Mr. Saunders—An Act empowering the Board of Supervisors of the City and County of San Francisco to provide fresh water for the use of said city and county and the inhabitants thereof.

Read first and second times and referred to the San Francisco delegation.

Mr. Pacheco was granted leave of absence for one day.

#### MOTIONS AND RESOLUTIONS.

Resolutions were introduced as follows:

By Mr. Betge:

*Resolved*, That the usual number of copies be printed of Senate Bill No. 111, relating to a morgue in San Francisco.

Adopted.

By Mr. Pendegast:

*Resolved* by the Senate, the Assembly concurring, That the Senate and Assembly meet in joint convention in the Assembly Chamber, on Wednesday, January twelfth, eighteen hundred and seventy, at twelve o'clock m., for the purpose of electing a State Harbor Commissioner.

Adopted.

By Mr. Pendegast:



*Resolved*, That the Committee on Public Lands be allowed a Clerk, at the per diem of five dollars, payable out of the Contingent Fund of the Senate, said Clerk to be only paid for the days actually devoted to labor, and to be removable at the pleasure of the committee.

Adopted.

#### GENERAL FILE.

The Senate took up bills on the general file as follows:

Senate Bill No. 49—An Act to amend an Act entitled an Act to amend an Act entitled an Act to incorporate the Town of Grass Valley, approved March twenty-fourth, eighteen hundred and sixty-six.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 92—An Act for the incorporation of the City of Anaheim.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 105—An Act to amend an Act concerning corporations, passed April twenty-second, eighteen hundred and sixty-one.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 65—An Act to amend an Act entitled an Act concerning agricultural societies, approved March twelfth, eighteen hundred and fifty-nine.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 128—An Act to legalize and confirm certain grants and sales of town lands by the Board of Trustees of the Town of Santa Barbara and by the Mayor and Common Council of the City of Santa Barbara, made since the passage of the Act of May fourteenth, eighteen hundred and sixty-one—was passed on file.

Consideration of Senate resolutions heretofore presented and referred to the Committee on Contingent Expenses, and reported back by said committee, with the recommendation that they do not pass, were taken up as follows, upon adoption:

Senate resolution relative to the appointment of an assistant Paper Folder.

Lost.

Senate resolution relative to the appointment of a Clerk for the Committee on Commerce and Navigation.

Mr. Green offered the following as a substitute: "That the Clerk of the Committee on Corporations also act as Clerk for the Committee on Commerce and Navigation.

Lost.

Mr. Irwin moved to amend the resolution by striking out "same per diem as Copying Clerks," and insert in lieu thereof five dollars per diem.

Adopted.

The resolution was then adopted.

Senate resolution relative to the appointment of a Newspaper File Clerk was withdrawn.

Senate resolution relative to the appointment of two assistant Copying Clerks was withdrawn.

Senate resolution relative to allowing newspaper correspondents three daily papers.

Mr. Lawrence moved to refer the resolution to the Committee on Printing.

Upon which the ayes and noes were demanded by Messrs. Curtis, Hunter and Conly, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Beach, Betge, Chappell, Farley, Fowler, Hutchings, Lawrence, Lewis, McDougall, Minis, Morrill, Murch, Orr, Pendegast, Roberts, Saunders, Tompkins and Tweed—18.

**NOES**—Messrs. Banvard, Burnett, Comte, Conly, Curtis, Green, Gwin, Hunter, Kincaid, Larkin, Maclay, O'Connor, Perkins, Turner, Wand, Wilson and Wing—17.

Senate Bill No. 4—Substitute for an Act to regulate amusements.

Substitute reported by the Judiciary Committee adopted, and on motion of Mr. Roberts, the substitute was ordered printed and made the special order for Friday next, at one o'clock P. M.

Assembly Concurrent Resolution No. 7—Relative to public lands.

On motion of Mr. Roberts, the resolution was recommitted to the Committee on Public Lands.

Senate Bill No. 81—An Act to provide for the payment of services heretofore rendered the State.

Reported back from the Committee on Public Lands, with an amendment.

Amendment of committee adopted, and bill referred to the Committee on Claims.

Assembly Bill No. 80—An Act in relation to ferries and toll bridges in the County of Butte—was read a third time and passed.

#### UNFINISHED BUSINESS.

Senate resumed the consideration of the resolution introduced by Mr. Tweed on yesterday, relative to requesting the State officers to give employment to females in their several departments.

Upon the passage of the resolution, the ayes and noes were demanded by Messrs. Tweed, Lawrence and Green, and the Senate refused, by the following vote:

**AYES**—Messrs. Beach, Chappell, Curtis, Green, Lawrence, Lewis, McDougall, Murch, Orr, Perkins, Roberts, Saunders, Turner, Tweed and Wing—15.

**NOES**—Messrs. Banvard, Betge, Burnett, Comte, Conly, Farley, Fowler, Gwin, Hunter, Hutchings, Irwin, Kincaid, Larkin, Maclay, Minis, Morrill, O'Connor, Pendegast, Tompkins, Wand and Wilson—21.

Mr. Maclay had leave to introduce the following resolution:

*Resolved*, That the Committees on the Culture of the Grape and Agriculture be allowed a Clerk, at the rate of five dollars per day, the Clerk to serve on both committees.

Adopted.

On motion of Mr. Green, at twelve o'clock and fifty minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, January 12th, 1870. }

Senate met pursuant to adjournment.  
President in the chair.  
Roll called.  
Quorum present.  
Prayer by the Chaplain.  
Journal of yesterday read and approved.

## REPORTS.

Mr. Lawrence, from the Committee on Printing, reported as follows :

Mr. PRESIDENT : The Committee on Printing, to whom was referred a resolution allowing newspaper correspondents three daily papers each, or their equivalent in weeklies, and that the same be paid for out of the Contingent Fund of the Senate, recommend its passage :

*Resolved*, That the reporters and correspondents of the daily press who hold seats on the floor of this Senate be allowed three daily papers, or their equivalent in weeklies, and that the same be paid for out of the Contingent Fund of the Senate.

LAWRENCE, Chairman.

Read and referred to the Committee on Printing.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT : The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 92—An Act for the incorporation of the City of Anaheim.

Also, Senate Bill No. 105—An Act to amend an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty.

Also, Senate Bill No. 65—An Act to amend an Act entitled an Act concerning agricultural societies, approved March twelfth, eighteen hundred and fifty-nine.

O'CONNOR, Chairman.

Mr. Morrill, from the Committee on Enrolment, made the following report :

Mr. PRESIDENT : Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 75—An Act to authorize the Board of Education of the City of Stockton to borrow money for school purposes.

Also, Senate Bill No. 28—An Act entitled an Act concerning the office of Public Administrator in Napa County,

And this day, at eleven o'clock and ten minutes A. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. Curtis, from the Committee on Claims, made the following report:

Mr. PRESIDENT: The Committee on Claims have had under consideration Senate Bill No. 26—An Act to pay the claim of H. F. Hastings, assignee of George Sickles, Clerk of the Supreme Court—and report the same back with amendments, and recommend its passage as amended.

CURTIS, Chairman.

Mr. Wand, from the Committee on Contingent Expenses, made the following report:

Mr. PRESIDENT: The Committee on Contingent Expenses have had under consideration the bill of Barton & Myers, amounting to ninety-two dollars, for furnishing the Judiciary Committee Room, and in connection therewith recommend the passage of the accompanying resolution.

WAND, Chairman.

Mr. Wand, from the Committee on Contingent Expenses, made the following report:

Mr. PRESIDENT: The Committee on Contingent Expenses have had under consideration a resolution in relation to allowing the Committee on Hospitals a Clerk, and recommend the passage of the following substitute:

*Resolved*, That the Committee on Hospitals be allowed a Clerk, at the same per diem as is allowed Clerks of other committees, whose services and pay shall commence and cease at the pleasure of the committee.

WAND, Chairman.

Mr. Saunders, from the San Francisco delegation, made the following report:

Mr. PRESIDENT: The Senate Committee (the San Francisco delegation) to whom were referred the following bills, respectfully report back the same with the recommendations following:

*First*—Senate Bill No. 113—An Act for the relief of Charles Welch.

The committee recommend the reference of this bill to the Judiciary Committee, as involving only questions of law.

*Second*—Senate Bill No. 29—An Act to reorganize the Board of Supervisors for the City and County of San Francisco.

Same recommendation and for the same cause.

SAUNDERS, Chairman.

Mr. Wand, from the San Francisco delegation, verbally reported back Senate Bill No. 7—An Act to provide and pay for services rendered for the City and County of San Francisco—with a recommendation that the same do pass.

On motion, the same was referred to the Committee on Corporations.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
January 12th, 1870. }

**Mr. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on Monday, the tenth inst., passed Assembly Bill No. 67—An Act confirming certain resolutions and ordinances passed by the President and Trustees of San Diego, in reference to a park and ground for burial purposes.

Also, on yesterday passed the following bills and resolution :

Senate Bill No. 139—An Act to appropriate money for contingent expenses of the Legislature at the eighteenth session thereof.

Senate Bill No. 77—An Act to provide for the relief and maintenance of the indigent sick of Klamath County.

Senate Concurrent Resolution No. 15—Relative to meeting in joint convention for the purpose of electing a Harbor Commissioner.

CRAWFORD,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 67—An Act confirming certain resolutions and ordinances passed by the President and Trustees of San Diego—was read first and second times and referred to the San Bernardino delegation.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Burnett—An Act concerning the Insane Asylum of the State of California.

Read first and second times and referred to the Committee on Hospitals, and ordered printed.

By Mr. McDougall—An Act to repeal an Act entitled an Act to amend an Act entitled an Act to amend an Act supplementary to an Act to amend an Act to prevent trespassing of animals upon private property, approved the seventeenth day of May, eighteen hundred and sixty-one, approved the twenty-fifth day of April, eighteen hundred and sixty-three, approved February twenty-eighth, eighteen hundred and sixty-six.

Read first and second times and referred to the Committee on Agriculture.

By Mr. Hager—An Act to authorize the guardians of James T. Boyd, Jr., and Willie Alexander Boyd to sell certain real estate.

Read first and second times and referred to the Judiciary Committee.

Also, an Act amendatory of an Act, passed May seventh, eighteen hundred and fifty-five, entitled an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty.

Read first and second times and referred to the Judiciary Committee.

By Mr. Tompkins—An Act authorizing J. West Martin and others to

construct, operate and maintain a railroad and wharf in the County of Alameda.

Read first and second times and referred to the Judiciary Committee.

By Mr. Roberts—An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, approved April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

By Mr. Pendegast—A bill to be entitled an Act for the relief of Jackson W. Hatch.

Read first and second times and referred to the Judiciary Committee.

By Mr. Hager—An Act to equalize taxation among the counties of this State.

Read first and second times and referred to the Judiciary Committee, and ordered printed.

By Mr. Mandeville—An Act to fix the rate of interest on indebtedness due from one county to another, arising from the division of counties.

Read first and second times and referred to the Judiciary Committee, and ordered printed.

By Mr. Tompkins—An Act authorizing Hiram Tubbs and others to construct and operate street railroads in the County of Alameda.

Read first and second times and referred to the Committee on Corporations, and ordered printed.

By Mr. Lewis—An Act to regulate the salaries and compensation of certain officers in the County of Tehama.

Read first and second times and referred to the Committee on State and County Revenue, and ordered printed.

By Mr. Wing—An Act in relation to the road indebtedness of Tuolumne County, incurred in the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven.

Read first and second times and referred to the Committee on Claims.

By Mr. Pendegast—An Act to authorize the construction of a railroad bridge across Napa Creek, in the County of Napa.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Curtis—An Act to provide for the care of certain State property.

Read first and second times and referred to the Committee on Public Buildings.

By Mr. Saunders—An Act to legalize a certain contract entered into by the Superintendent of Public Streets and Highways of the City and County of San Francisco with Peter Conolly.

Read first and second times and, with accompanying resolution, referred to the San Francisco delegation.

#### MOTIONS AND RESOLUTIONS.

By Mr. Green :

*Resolved* by the Senate of the State of California, the Assembly concurring, That our Senators in Congress are instructed, and our Representatives requested, to procure the establishment of a daily mail route from San Francisco City to Saucelito, in Marin County, and the establishment of a Post-office at Saucelito, in Marin County.

*Resolved*, That his Excellency the Governor be requested to forward a copy of the above resolution to each of our delegations in Congress.

Read and referred to the Committee on Federal Relations.

By Mr. Burnett :

*Resolved*, That C. C. Powning be and is hereby appointed Clerk of the Committees on Contingent Expenses, Federal Relations and Public Expenditures, and that he receive a per diem of five dollars, payable out of the Contingent Fund of the Senate.

Read and referred to the Committee on Contingent Expenses.

By Mr. Pendegast :

*Resolved*, That Senator Roberts be requested to prepare bills amending the Act of the last session of the Legislature, to regulate fees of office, and an Act to regulate salaries and fix the compensation of certain county officers, in such manner as to him may seem advisable, and that he be allowed a Clerk during the time expended in the preparation of such bills, to be paid six dollars per day.

Adopted.

By Mr. Minis :

*Resolved*, That the Sergeant-at-Arms of the Senate be and he is authorized to furnish J. J. Thomas, Assistant Sergeant-at-Arms, with ten dollars worth of postage stamps or express envelops, payable out of the Contingent Fund of the Senate.

Read and referred to the Committee on Contingent Expenses.

By Mr. Lewis :

*Resolved* by the Senate, the Assembly concurring, That the Joint Committee of the two Houses to visit the State Prison be allowed a Clerk during the actual time so engaged, to receive for such services eight dollars per diem, to be paid proportionately out of the Contingent Funds of the Senate and Assembly.

Adopted.

By Mr. Pendegast :

*Resolved*, That the Secretary of the Senate be and he is hereby authorized to employ two Copying Clerks, to copy the Journals of the Senate and prepare them for the State Printer, at the per diem of five dollars, payable out of the Contingent Fund of the Senate.

Adopted.

#### GENERAL FILE.

The Senate took up bills on the general file as follows :

Senate Bill No. 128—An Act to legalize and confirm certain grants and sales of town lands by the Board of Trustees of the Town of Santa Barbara and by the Mayor and Common Council of the City of Santa Barbara, made since the passage of the Act of May fourteenth, eighteen hundred and sixty-one—was passed on file.

At eleven o'clock and fifty-three minutes, the Senate took a recess until twelve o'clock, M.

## REASSEMBLED.

At twelve o'clock M., the Senate reassembled.

President in the chair.

Quorum present.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
January 12th, 1870. }

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly, on this day, authorized the Clerk to inform the Senate that the Assembly is ready to receive the Senate in joint convention for the election of a State Harbor Commissioner.

FERRAL,  
Clerk.

Mr. Lewis moved that the Senate now proceed to meet the Assembly in joint convention, for the purpose of electing a State Harbor Commissioner.

Carried.

Whereupon the Senate proceeded in a body to the Assembly Chamber.

## IN JOINT CONVENTION.

The convention was called to order by the President of the Senate, in conjunction with the Speaker of the House.

The Secretary called the roll of the Senate, and the following Senators responded to their names :

Messrs. Banvard, Beach, Betge, Burnett, Chappell, Comte, Conly, Conn, Curtis, Farley, Fowler, Green, Gwin, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, Murch, O'Connor, Orr, Pendegast, Perkins, Roberts, Saunders, Tompkins, Turner, Tweed, Wand, Wilson and Wing

The Chief Clerk called the roll of the Assembly, and the following answered to their names :

Messrs. Andrews, Appling, Berry, Biggs, Blankenship, Brown of Amador, Brown of Yuba, Carothers, Colonel, Crigler, DeHaven, Doss, Duffy, Eichelroth, Escandon, Finney, Fortune, Freeman, Fryer, Gildea, Green, Griswold, Haile, Hawley, G. R. B. Hayes, M. Hayes, Henley of Mendocino, Henley of Sonoma, Hihn, Horan, Hubner, Hudson, Inman, Johnson, Kelley, King, Koutz, Lambert, Lewelling, Martin of Butte, Martin of Siskiyou, McClaskey, McMillan, McMurry of El Dorado, McMurry of Trinity, Merritt, Miller of El Dorado, Miller of Marin, Mooney, Moynihan, Munday, Murphy of Del Norte and Klamath, Murphy of Santa Clara, Naphtaly, Newell, Oates, O'Connell, Odell, Pool, Power, Robinson, Rockwell, Romer, Ryan, Sammons, Satterwhite, Scarce, Shoemaker, Slicer, Stephens, Thomas, Thurston, Walden, Waldron, Williams, York, Young and Mr. Speaker.



The resolution authorizing a joint convention was read, as follows :

*Resolved* by the Senate, the Assembly concurring, That the Senate and Assembly meet in joint convention in the Assembly Chamber, on Wednesday, January twelfth, eighteen hundred and seventy, at twelve o'clock M., for the purpose of electing a State Harbor Commissioner.

Nominations being in order, Mr. Beach nominated S. S. Tilton, of San Francisco.

Mr. Burnett nominated Jasper O'Farrell, of Sonoma.

On motion, the nominations closed and the rolls were called, with the following result :

The Senate roll was called, and each Senator present announced his choice, as follows :

| Senators.        | Jasper O'Farrell. | S. S. Tilton. |
|------------------|-------------------|---------------|
| Banvard .....    | 1                 | .....         |
| Beach .....      | .....             | 1             |
| Betge .....      | 1                 | .....         |
| Burnett .....    | 1                 | .....         |
| Chappell .....   | .....             | 1             |
| Comte .....      | 1                 | .....         |
| Conly .....      | .....             | 1             |
| Conn. ....       | 1                 | .....         |
| Curtis .....     | 1                 | .....         |
| Farley .....     | 1                 | .....         |
| Fowler .....     | 1                 | .....         |
| Green .....      | .....             | 1             |
| Gwin .....       | 1                 | .....         |
| Hager .....      | 1                 | .....         |
| Hunter .....     | 1                 | .....         |
| Hutchings .....  | 1                 | .....         |
| Irwin .....      | 1                 | .....         |
| Kincaid .....    | 1                 | .....         |
| Larkin .....     | 1                 | .....         |
| Lawrence .....   | 1                 | .....         |
| Lewis .....      | 1                 | .....         |
| Maclay .....     | 1                 | .....         |
| Mandeville ..... | 1                 | .....         |
| McDougall .....  | 1                 | .....         |
| Minis .....      | 1                 | .....         |
| Morrill .....    | 1                 | .....         |
| Murch .....      | .....             | 1             |
| O'Connor .....   | 1                 | .....         |
| Orr .....        | .....             | 1             |
| Pendegast .....  | 1                 | .....         |
| Perkins .....    | .....             | 1             |
| Roberts .....    | .....             | 1             |
| Saunders .....   | 1                 | .....         |
| Tompkins .....   | .....             | 1             |
| Turner .....     | .....             | 1             |

| Senators.    | Jaspar O'Farrell. | S. S. Tilton. |
|--------------|-------------------|---------------|
| Tweed .....  | .....             | 1             |
| Wand .....   | 1                 | .....         |
| Wilson ..... | 1                 | .....         |
| Wing .....   | .....             | 1             |
| Totals.....  | 27                | 12            |

The Assembly roll was called, and each member of that body announced his choice, as follows:

| Assemblymen.                    | Jaspar O'Farrell. | S. S. Tilton. |
|---------------------------------|-------------------|---------------|
| Andrews .....                   | 1                 | .....         |
| Appling.....                    | 1                 | .....         |
| Berry .....                     | 1                 | .....         |
| Biggs .....                     | 1                 | .....         |
| Blankenship.....                | 1                 | .....         |
| Brown of Alpine and Amador..... | 1                 | .....         |
| Brown of Yuba .....             | 1                 | .....         |
| Carothers .....                 | .....             | 1             |
| Coronel .....                   | 1                 | .....         |
| Crigler .....                   | 1                 | .....         |
| DeHaven .....                   | .....             | 1             |
| Doss.....                       | 1                 | .....         |
| Duffy .....                     | .....             | 1             |
| Eichelroth .....                | 1                 | .....         |
| Escandon.....                   | 1                 | .....         |
| Finney .....                    | .....             | 1             |
| Fortune.....                    | 1                 | .....         |
| Freeman .....                   | 1                 | .....         |
| Fryer.....                      | 1                 | .....         |
| Gildea.....                     | 1                 | .....         |
| Green .....                     | 1                 | .....         |
| Griswold.....                   | 1                 | .....         |
| Haile.....                      | 1                 | .....         |
| Hayes, G. R. B.....             | 1                 | .....         |
| Henley of Mendocino.....        | 1                 | .....         |
| Henley of Sonoma .....          | 1                 | .....         |
| Hihn.....                       | 1                 | .....         |
| Horan.....                      | 1                 | .....         |
| Hubner .....                    | 1                 | .....         |
| Hudson .....                    | 1                 | .....         |
| Inman .....                     | 1                 | .....         |
| Johnson.....                    | 1                 | .....         |
| Kelley .....                    | 1                 | .....         |
| King.....                       | 1                 | .....         |
| Koutz .....                     | .....             | 1             |
| Lambert.....                    | 1                 | .....         |

| Assemblymen.                         | Jaspar O'Farrell. | S. S. Tilton. |
|--------------------------------------|-------------------|---------------|
| Lewelling.....                       | 1                 | 1             |
| Martin of Butte.....                 | 1                 | .....         |
| Martin of Siskiyou.....              | 1                 | .....         |
| McClaskey.....                       | 1                 | .....         |
| McMillan.....                        | 1                 | .....         |
| McMurry of El Dorado.....            | 1                 | .....         |
| McMurry of Trinity.....              | 1                 | .....         |
| Merritt.....                         | 1                 | .....         |
| Miller of El Dorado.....             | 1                 | .....         |
| Miller of Marin.....                 | 1                 | .....         |
| Mooney.....                          | 1                 | .....         |
| Moynihan.....                        | 1                 | .....         |
| Munday.....                          | 1                 | .....         |
| Murphy of Del Norte and Klamath..... | 1                 | .....         |
| Murphy of Santa Clara.....           | 1                 | .....         |
| Naphitaly.....                       | 1                 | .....         |
| Newell.....                          | 1                 | .....         |
| Oates.....                           | 1                 | .....         |
| O'Connell.....                       | 1                 | .....         |
| Odell.....                           | 1                 | .....         |
| Pool.....                            | 1                 | .....         |
| Power.....                           | 1                 | 1             |
| Robinson.....                        | 1                 | .....         |
| Rockwell.....                        | 1                 | .....         |
| Rogers.....                          | 1                 | .....         |
| Romer.....                           | 1                 | .....         |
| Ryan.....                            | 1                 | .....         |
| Sammons.....                         | 1                 | 1             |
| Satterwhite.....                     | 1                 | .....         |
| Scarce.....                          | 1                 | .....         |
| Shoemaker.....                       | 1                 | .....         |
| Slicer.....                          | 1                 | .....         |
| Stephens.....                        | 1                 | .....         |
| Thomas.....                          | 1                 | .....         |
| Thurston.....                        | 1                 | .....         |
| Walden.....                          | 1                 | .....         |
| Waldron.....                         | .....             | 1             |
| Williams.....                        | .....             | 1             |
| York.....                            | .....             | 1             |
| Young.....                           | 1                 | .....         |
| Totals.....                          | 65                | 11            |

The President of the Senate announced the result of the ballot as follows :

|                                 |     |
|---------------------------------|-----|
| Whole number of votes cast..... | 115 |
| Necessary to a choice.....      | 58  |
| Jasper O'Farrell received.....  | 92  |
| S. S. Tilton.....               | 23  |

Jaspar O'Farrell, having received a majority of all the votes cast (a majority of all the members elected to both Houses being present and voting), was duly declared elected State Harbor Commissioner for the term of four years and until his successor is elected and qualified, to succeed S. S. Tilton

Journal of joint convention read and approved.

On motion of Mr. Mandeville, the convention adjourned.

#### IN SENATE.

The Senate again convened at twelve o'clock and thirty minutes P. M.  
President in the chair.

Roll called and quorum present.

On motion of Mr. Maclay, at twelve o'clock and forty-two minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,

Thursday, January 13th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called and quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

#### PETITIONS.

Petitions were presented as follows :

From citizens and tax payers of the environs of the City of Stockton, protesting against the passage of a bill authorizing the annexation of said environs to the City of Stockton, without first submitting said question to a vote of the bona fide citizens thereof.

Read and referred to the Committee on Corporations.

#### REPORTS.

Mr. Curtis, from the Committee on Claims, made the following report :

Mr. PRESIDENT: The Committee on Claims have had under consideration Senate Bill No 97—An Act for the relief of Henry Kohn.

Also, Senate Bill No. 76—An Act to pay the claim of James M. Jackson, George Rackman, Henry Keyser, M. L. Tombohm and the heirs of Henry Lindsay and John Adams—report the same back and respectfully recommend that they do not pass.

CURTIS, Chairman.

Mr. Wand, from the Committee on Contingent Expenses, made the following report :

Mr. PRESIDENT : The Committee on Contingent Expenses have had under consideration, resolution authorizing Committee on Immigration, Committee on Mines and Mining and Committee on Roads and Highways, to employ W. C. Cameron as a Clerk, at a salary of five dollars per day, and report the same back and recommend its passage.

Also, resolution authorizing Committee on Contingent Expenses, Committee on Federal Relations and Committee on Public Expenditures, to employ C. C. Powning as Clerk, at a salary of five dollars per day. Same recommendation.

WAND, Chairman.

Mr. Saunders, from the Committee on Corporations, made the following report :

Mr. PRESIDENT : The Committee on Corporations, to whom was referred Assembly Bill No. 52—An Act to grant Larkin Lamb and his associates the right to construct and maintain a toll bridge across the Consumnes River, in the Counties of Amador and El Dorado, approved March sixth, A. D. eighteen hundred and sixty-three—having had the same under consideration, report it back and recommend its passage.

SAUNDERS, Chairman.

Mr. Hutchings, from the Yuba delegation, made the following report :

Mr. PRESIDENT : The Yuba delegation, to whom was referred Senate Bill No. 131—An Act to authorize L. B. Clark, William Friend, Jefferson Wilcoxson, C. E. Wilcoxson and James Farris, and their associates, to construct and maintain a toll bridge across the Yuba River, at a point known as Simpson's Crossing, in Yuba County—have had the same under consideration, and report it back and recommend its passage.

HUTCHINGS,  
BEACH,  
Yuba Delegation.

On motion, said bill was referred to the Committee on Corporations.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT : The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 49—An Act to amend an Act entitled an Act to amend an Act entitled an Act to incorporate the Town of Grass Valley, approved March twenty-fourth, eighteen hundred and sixty-six.

O'CONNOR, Chairman.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Maclay—An Act to authorize the parties therein named to supply the Town of Gilroy with water and gas.

Read first and second times and referred to the Committee on Corporations.

By Mr. Orr—An Act to confer certain powers on Weber Engine Fire Company, Number One, of the City of Stockton.

Read first and second times and referred to the Committee on Corporations.

By Mr. Hager—An Act in relation to the Omnibus Railroad Company in the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Saunders—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Read first and second times and referred to the San Francisco delegation.

By Mr. Saunders—An Act to extend the operation of an Act concerning trade marks and names, passed April third, eighteen hundred and sixty-three.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Hager—An Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front in the City and County of San Francisco.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Comte—An Act directing the Controller of State to draw a certain duplicate warrant.

Read first and second times and referred to the Judiciary Committee.

By Mr. Minis—An Act to amend an Act providing for the time of holding the several Courts of records in this State, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times and referred to the Judiciary Committee.

By Mr. Roberts—An Act to provide for the payment of a certain outstanding bond of the State of California.

Read first and second times and referred to the Committee on Claims.

#### MOTIONS AND RESOLUTIONS.

By Mr. Saunders:

*Resolved*, That the San Francisco delegation be authorized to employ a Clerk, at the same per diem as Copying Clerks, payable out of the Contingent Fund of the Senate, and to be removable at the pleasure of the committee.

On motion, rule twenty-two of the standing rules of the Senate was suspended, and resolution adopted.

The Committee on State Normal School was granted leave of absence until Tuesday next.

By Mr. Lewis:

*Resolved*, That the Committee on State Prison be allowed indefinite leave of absence, to visit the State Prison and report on the condition of the same.

Adopted.

## GENERAL FILE.

The Senate took up bills on the general file as follows:

Senate Bill No. 128—An Act to legalize and confirm certain grants and sales of town lands by the Board of Trustees of the Town of Santa Barbara, and by the Mayor and Common Council of the City of Santa Barbara, made since the passage of the Act of May fourteenth, eighteen hundred and sixty-one—was passed on file.

Senate resolution, substitute for a resolution relative to allowing correspondents three daily newspapers.

Upon the adoption of the substitute, the ayes and noes were demanded by Messrs. Larkin, Burnett and Lawrence, and the same was adopted, by the following vote:

**AYES**—Messrs. Beach, Betge, Chappell, Comte, Conn, Curtis, Green, Hunter, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murch, Orr, Pendegast, Perkins, Saunders, Tompkins, Tweed and Wing—23.

**NOES**—Messrs. Banvard, Burnett, Conly, Farley, Fowler, Gwin, Hager, Hutchings, Irwin, Larkin, Minis, O'Connor, Roberts, Turner, Wand and Wilson—16.

Senate resolution relative to the paying Barton and Myers ninety-two dollars.

Adopted.

Senate resolution relative to a Clerk for the Committee on Hospitals.

Mr. Minis moved to amend the resolution by striking out "same as other Clerks," and insert in lieu thereof "five dollars per day."

Adopted.

The resolution, as amended, was then adopted.

Senate Bill No. 26—An Act to pay the claim of H. F. Hastings, assignee of George Seckel, Clerk of the Supreme Court.

Amendment of committee adopted.

Considered in Committee of the Whole, and ordered engrossed.

On motion of Mr. Roberts, the special order was temporarily suspended.

Mr. Maclay presented invitations from the Mayor and Common Council of San José, the Trustees of the Town of Santa Clara, the Board of Supervisors of the City and County of San Francisco, and the Council of the City of Oakland, to visit their respective cities for the purpose of examining the various localities proposed for the permanent establishment of the State Normal School.

Referred to the Committee on State Normal School.

Assembly Bill No. 52, reported back by the Committee on Corporations, was, on motion of Mr. Farley, referred to the Amador and El Dorado delegations.

## SPECIAL ORDER.

At twelve o'clock and five minutes P. M., the Senate took up consideration of special order, the Governor's message transmitting Fifteenth Amendment, also resolution introduced by Senator Gwin.

Mr. Gwin offered the following amendment to the resolution:

*And be it further resolved*, That in consideration of the premises, and because of the manifest wrong which would be put upon this State and

upon the entire country, by its adoption, that said proposed Fifteenth Amendment be and the same is hereby rejected by this Senate, and that this Senate refuses to ratify the same.

Adopted.

Mr. Roberts moved that the resolution and message be made the special order for Wednesday, January nineteenth, at one o'clock P. M.

Carried.

Mr. Hager offered the following joint resolution :

WHEREAS, The Congress of the United States, two-thirds of both Houses having deemed it necessary, by a joint resolution duly passed, did propose to the Legislatures of the several States, for their ratification, a certain amendment to the Constitution of the United States, which proposed amendment is in the words and figures following, to wit:

#### ARTICLE XV.

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

Wherefore, *Be it resolved* by the Senate and Assembly of the State of California, That the said proposed amendment be and the same is hereby disapproved of and rejected by the Legislature of the State of California.

Read first and second times and referred to the Judiciary Committee, and ordered printed.

On motion of Mr. Pendegast, at one o'clock and twenty-five minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest : JOSEPH ROBERTS, Jr., Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,

Friday, January 14th, 1870. }

Senate met pursuant to adjournment.

President pro tem. (Mr. Lewis) in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Tweed was granted leave of absence for one day.



## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

**MR. PRESIDENT:** The Committee on Engrossment have examined and find correctly engrossed Assembly Bill No. 77—An Act to provide for the relief and maintenance of the indigent sick of Klamath County.

Also, Senate Bill No. 26—An Act to pay the claim of H. F. Hastings, assignee of George Seckel, Clerk of the Supreme Court.

Also, Senate Bill No. 139—An Act to appropriate money for contingent expenses of the Legislature at the eighteenth session thereof.

O'CONNOR, Chairman.

Mr. Morrill, from the Committee on Enrolment, made the following report :

**MR. PRESIDENT:** Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled substitute for Senate Bill No. 3—An Act in relation to the Common Schools of the City of Sacramento.

And this day, at two o'clock P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. Betge, from the Committee on Commerce and Navigation, made the following report :

**MR. PRESIDENT:** Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 160—An Act to authorize the construction of a railroad bridge across Napa Creek, in the County of Napa—have had the same under consideration, and report the same back and recommend its passage.

BETGE, Chairman.

Mr. Conn, from the San Diego and San Bernardino delegations, made the following report :

**MR. PRESIDENT:** The San Diego and San Bernardino delegations, to whom was referred Assembly Bill No. 67—An Act confirming certain resolutions and ordinances passed by the President and Trustees of San Diego—have duly considered the bill, and report the same back, with the recommendation that the bill pass.

CONN, for Delegations.

Referred to the Committee on Public Lands.

Mr. Banvard, from the Committee on Finance, made the following report :

**MR. PRESIDENT:** Your Committee on Finance would respectfully report that they have had under consideration Senate Bill No. 132—An Act to provide for engraving and printing Controller's warrants—and recommend the passage of the Act with the following amend-

ment, viz: Strike out the words, "the sum of," in the first line of section second, and insert in lieu thereof the words, "a sum not exceeding."

BANVARD, Chairman

Mr. Saunders, from the San Francisco delegation, made the following report:

Mr. PRESIDENT: Your committee, the San Francisco delegation, to whom was referred Senate Bill No. 127—An Act to authorize the Assessor of the City and County of San Francisco to appoint deputies—respectfully report back the same with amendment, and recommend its passage.

SAUNDERS, for Delegation.

Placed on file.

Mr. Hager, from the Judiciary Committee, made the following reports:

Mr. PRESIDENT: The Committee on the Judiciary having had under consideration Senate Joint Resolution No. 3—Relative to the Fifteenth Amendment to the Constitution of the United States—report the same back and recommend the passage thereof.

HAGER, Chairman.

Mr. PRESIDENT: The Committee on the Judiciary having had under consideration Senate resolution—To expunge from the Journal the judgment of the Senate, entered against James H. Hardy on the fourteenth day of May, eighteen hundred and sixty-two—are of the opinion that it will be more appropriate to legislate upon the subject matter embraced in the resolution, by bill, and do therefore report back the accompanying bill, and recommend the passage of the same.

HAGER, Chairman.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 13th, 1870.

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 54—An Act making an appropriation for the payment of rewards.

Also, Senate Bill No. 75—An Act to authorize the Board of Education of the City of Stockton to borrow money for school purposes.

Also, Senate Bill No. 28—An Act concerning the office of Public Administrator in Napa County.

H. H. HAIGHT,  
Governor.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
January 14th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on Tuesday, the eleventh instant, passed Assembly Bill No. 60—An Act to authorize the County of Sacramento to issue bonds.

And on yesterday passed the following bills and resolutions:

Assembly Bill No. 135—An Act to change the principal place of business of the San Justo Homestead Association.

Assembly Bill No. 73—An Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two.

Senate Bill No. 78—An Act to provide for the payment of warrants against the Hospital Fund of Klamath County.

Assembly Bill No. 17—An Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public and defining their duties.

Assembly Bill No. 6—An Act amendatory of and supplementary to an Act to incorporate the Town of Santa Cruz, approved March thirty-first, eighteen hundred and sixty-six.

Assembly Bill No. 22—An Act to amend an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight.

Assembly Bill No. 66—An Act for the relief of W. V. McGarvey.

Assembly Concurrent Resolution No. 13—Granting Peter H. Peveler, County Clerk of Del Norte County, leave of absence

Assembly Bill No. 40—An Act to confirm Order Number Eight Hundred and Eighty-three of the Board of Supervisors of the City and County of San Francisco.

Assembly Bill No. 37—An Act to amend an Act entitled an Act to define and establish the boundaries of Mono County, approved March second, eighteen hundred and sixty-six.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 60, above reported, read first and second times and placed on file.

Assembly Bill No. 135, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 6, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 17, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 73, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 40, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Concurrent Resolution No. 13, above reported, read first and second times and placed on file.

Substitute for Assembly Bill No. 66, above reported, read first and second times and referred to the Committee on Claims.

Assembly Bill No. 22, above reported, read first and second times and referred to the Committee on Swamp, Tide and Overflowed Lands.

Assembly Bill No. 37, above reported, read first and second times and referred to the Committee on Counties and County Boundaries.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Roberts—An Act amendatory of an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty.

Read first and second times and referred to the Judiciary Committee.

By Mr. Hager—An Act to amend an Act entitled an Act to amend an Act entitled an Act to amend an Act regulating marriages, passed April twenty-second, eighteen hundred and fifty, approved April ninth, eighteen hundred and sixty-three.

Read first and second times and referred to the Judiciary Committee.

By Mr. Minis—An Act to authorize William Aspenall and others to lay down and maintain water pipes in the public streets of the City of Vallejo.

Read first and second times and referred to the Committee on Corporations, and ordered printed

By Mr. Gwin—An Act to amend an Act entitled an Act prescribing the rules for the government of the State Library, approved March eighth, eighteen hundred and sixty-one.

Read first and second times and referred to the Committee on State Library.

By Mr. Mandeville—An Act to provide compensation for the revision of the laws.

Read first and second times and referred to the Committee on Finance.

By Mr. Comte—An Act for the relief of S. D. Smith.

Read first and second times and referred to the Committee on Claims.

Also, an Act to provide for laying down gas pipes in the streets of Sacramento, and for furnishing gas to public and private buildings therein, and for lighting the streets thereof.

Read first and second times and referred to the Committee on Corporations.

By Mr. Burnett—An Act to grant the right to construct a bridge and continue a ferry on Russian River, in Sonoma County, to Winfield S. M. Wright, and his associates and assigns.

Read first and second times and referred to the Committee on Roads and Highways.

#### MOTIONS AND RESOLUTIONS.

Resolutions were introduced as follows:

By Mr. Roberts:

*Resolved*, That the salary of the Clerk of the Select Committee on Fees and Salaries shall be paid out of the Contingent Fund of the Senate.

Read and referred to the Committee on Contingent Expenses.

By Mr. Lawrence:

*Resolved*, That the Clerk at the Desk, in making out the general file for printing, be requested to follow the form in use during the year eighteen hundred and sixty-eight, giving the history of the bills, in accordance with the form herein submitted.

Adopted.

On motion, it was ordered that two hundred and forty extra copies each be printed of Senate Bills Nos. 120 and 8.

On motion of Mr. Hager, the rules were suspended, and the Senate took up Senate Bill No. 181—An Act to expunge from the Journal the judgment of the Senate, entered against James H. Hardy on the fourteenth day of May, eighteen hundred and sixty-two—and the same was read first and second times and placed on file, and ordered printed.

#### GENERAL FILE.

Senate took up bills on the general file as follows:

Senate Bill No. 128—An Act to legalize and confirm certain grants and sales of town lands by the Board of Trustees of the Town of Santa Barbara, and by the Mayor and Common Council of the City of Santa Barbara, made since the passage of the Act of May fourteenth, eighteen hundred and sixty-one.

Passed on file.

Senate Bill No. 97—An Act for the relief of Henry Kohn.

Referred to the Judiciary Committee.

Senate Bill No. 76—An Act to pay the claim of James M. Jackson, George Rochman, Henry Tizer, M. L. Tombohn, and the heirs of Henry Lindsey and John Adams.

Indefinitely postponed.

Senate resolution relative to the appointment of C. C. Powning, Clerk to the Committees on Contingent Expenses, Federal Relations and Public Expenditures.

Lost.

Senate resolution relative to the appointment of W. C. Campbell, Clerk of the Committees on Ways and Means and Roads and Highways.

Passed on file.

#### REMONSTRANCE.

Mr. Curtis presented a remonstrance against the passage of a bill for the reincorporation of the Town of Santa Clara.

Referred to the Committee on Corporations.

Mr. Murch moved to take up Assembly message.

Carried.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
January 14th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed the following bills and concurrent resolutions:

Assembly Bill No. 5—An Act for the relief of Patrick Campbell.

Assembly Bill No. 34—An Act concerning public roads and highways in the County of Monterey.

Assembly Bill No. 107—An Act for the protection of deer in the County of San Mateo.

Assembly Bill No. 158—An Act in relation to the assessment of prop-

erty in Tuolumne County for the year A. D. eighteen hundred and sixty-nine.

And, on to-day, refused to concur in Senate Concurrent Resolution, No. 16—Relative to appointment of Clerk for State Prison Committee.

MOFFITT,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 5, above reported, read first and second times and referred to the Committee on Claims.

Assembly Bill No. 34, above reported, read first and second times and referred to the Committee on Roads and Highways.

Assembly Bill No. 107, above reported, read first and second times and referred to the Committee on Agriculture.

Assembly Bill No. 158, above reported, read first and second times and placed on file.

At twelve o'clock and twenty minutes, on motion of Mr. Hager, Senate took up special order.

#### SPECIAL ORDER.

Substitute for Assembly Bill No. 4—An Act to regulate amusements.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Murch, Betge and Hunter, and the bill was passed, by the following vote :

**AYES**—Messrs. Banvard, Beach, Betge, Burnett, Comte, Conly, Curtis, Farley, Fowler, Gwin, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Mandeville, McDougall, Minis, Morrill, Murch, Pendegast, Saunders, Turner, Wand, Wilson and Wing—29.

**NOES**—Messrs. Conn, O'Connor, Orr, Perkins, Roberts and Tompkins—6.

It appearing to the Senate that the question should have come up on ordering the bill just passed to engrossment, instead of putting the same on its final passage, the vote by which the bill was decided passed was, by unanimous consent of the Senate, re-considered.

Mr. Hager moved to suspend the rules, consider the bill engrossed, and place the same upon its passage.

Upon which the ayes and noes were again demanded, by Messrs. Roberts, Betge and Hunter, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Beach, Betge, Burnett, Comte, Conly, Curtis, Farley, Fowler, Gwin, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Mandeville, McDougall, Minis, Morrill, Murch, Pendegast, Saunders, Turner, Wand, Wilson and Wing—29.

**NOES**—Messrs. Conn, O'Connor, Orr, Perkins, Roberts and Tompkins—6.

#### REPORT.

Mr. Saunders had leave to make the following report :

**MR. PRESIDENT:** Your committee, the San Francisco delegation, to whom was referred Assembly Bill No. 2—An Act amendatory of and

supplementary to an Act passed March twenty-sixth, A. D. eighteen hundred and sixty-six, entitled an Act to organize and regulate the Justices' Court in the City and County of San Francisco, and to extend the powers and duties of the Sheriff of said city and county, respectfully report back the same with amendments, and recommend the passage of the same.

SAUNDERS, Chairman.

Assembly Bill No. 2, above reported by the San Francisco delegation, was read first and second times and placed on file.

On motion of Mr. Pendegast, at one o'clock and ten minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest : JOSEPH ROBERTS, Jr., Secretary of Senate.

A.

## IN SENATE.

SENATE CHAMBER,

Saturday, January 15th, 1870. }

Senate met pursuant to adjournment.

In the absence of the President and President pro tem., the Senate was called to order by Joseph Roberts, Jr., Secretary of the Senate.

On motion of Mr. Farley, Mr. Mandeville was chosen as President pro tem., to act during the absence of the President and President pro tem.

Mr. Mandeville in the chair.

Roll called.

Quorum present.

Prayer by Rev. O. P. Fitzgerald.

Journal of yesterday read and approved.

Mr. Wand was granted leave of absence for one day.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT : The Committee on Engrossment have examined and find correctly engrossed substitute for Senate Bill No. 4—An Act amendatory of an Act entitled an Act to prohibit barbarous and noisy amusements on the Christian Sabbath, approved March sixteenth, eighteen hundred and fifty-five.

Also, Senate Bill No. 78—An Act to provide for the payment of warrants against the Hospital Fund of Klamath County.

O'CONNOR, Chairman.

Mr. Hunter, from the Committee on Corporations, made the following report :

**Mr. President:** The Committee on Corporations, to whom was referred Assembly Bill No. 135—An Act to change the principal place of business of the San Justo Homestead Association—having had the same under consideration, report it back and recommend its passage.

LARKIN, for Committee.

**Mr. Banvard,** from the Committee on Finance, made the following report:

**Mr. President:** The Committee on Finance would respectfully report that they have had under consideration Senate Bill No. 9—An Act authorizing and directing the conversion of certain legal tender notes in the State treasury into gold coin—and unanimously recommend the passage of said Act.

BANVARD, Chairman.

**Mr. Tompkins,** from the Judiciary Committee, made the following report:

**Mr. President:** The Committee on Judiciary having had under consideration Senate Bill No. 87—An Act authorizing the Council of the City of Oakland to lay out, open or improve streets in said city—report the same back with amendments, recommend the adoption of the amendments and the passage of the bill as amended.

TOMPKINS, for Committee.

**Mr. Morrill,** from the Committee on Enrolment, made the following report:

**Mr. President:** The Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. — An Act to appropriate money for contingent expenses of the Legislature at the eighteenth session thereof.

And this day, at one o'clock and thirty minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

**Mr. Irwin,** from the Committee on State Library, made the following report:

**Mr. President:** The Committee on State Library, to whom was referred Senate Bill No. 175—An Act to amend an Act entitled an Act prescribing rules for the government of the State Library, approved March eighth, eighteen hundred and sixty-one—respectfully report that they have had the same under consideration, and recommend that it do not pass.

IRWIN, Chairman.

**Mr. Hager,** from the Judiciary Committee, made the following report:

**Mr. President:** The Committee on the Judiciary having had under consideration Senate Bill No. 91—An Act ratifying and confirming action of Common Council of the City of Oakland, for relief of John Scott; and



also, Senate Bill No. 98—An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one, providing for the amendment of section four hundred and ninety-five of said Act—report the same back and recommend their passage.

HAGER, Chairman.

Mr. McDougall, from the Santa Cruz and Santa Clara delegation, made the following report :

Mr. PRESIDENT : The Santa Cruz and Santa Clara delegation, to whom has been referred Assembly Bill No. 7—An Act to provide means for the government of the County of Santa Cruz, and for the payment and funding of the debt of said county—beg leave to report said bill back and recommend its passage with the following amendment : Sub-division five of section seven is amended so as to read as follows :

*Fifth*—A tax of sixty cents on each hundred dollars of taxable property for public school purposes, which tax shall be in lieu of all property taxes now authorized by law to be levied for public school purposes, by the Board of Supervisors or the Board of Trustees of the several school districts; *provided*, that the Board of Trustees of the following school districts: Bay View, Corralitos, Railroad, Union, San Lorenzo and Scott's Valley, are hereby authorized to levy, in the year A. D. eighteen hundred and seventy, in their respective districts, a special tax for building purposes of not exceeding fifty cents on each hundred dollars of taxable property within their respective districts, which special tax shall be assessed by the County Assessor, equalized by the Board of Supervisors, and collected by the County Tax Collector and District Attorney, in the same manner and at the same time as is provided for the assessment, equalization and collection of State and county taxes. The Board of Trustees, by whom such special tax may be levied, shall allow a reasonable compensation to the County Assessor and Tax Collector for their services; *provided*, such allowance to either of said officers shall not exceed three per cent. on the amount of the total proceeds of said tax.

McDOUGALL, for Delegation.

#### INTRODUCTION OF BILLS.

A bill was introduced as follows :

By Mr. Irwin—An Act to amend an Act entitled an Act to extend an Act entitled an Act to prevent stallions from running at large in the County of Sacramento, approved March twenty-eighth, eighteen hundred and fifty-nine, approved March twenty-eighth, eighteen hundred and sixty.

Read first and second times and placed on file.

#### MOTIONS AND RESOLUTIONS.

On motion, the petition heretofore presented by Mr. Burnett, from the citizens of Sonoma, relative to hogs running at large in said county, was taken from the table and referred to the Committee on Agriculture.

On motion of Mr. McDougall, Assembly Bill No. 135—An Act to change the principal place of business of the San Justo Homestead Association—was taken up, read a third time and passed.

Resolutions were introduced as follows :

By Mr. O'Connor :

*Resolved*, That the Engrossing Clerk of the Senate be authorized to appoint one or more assistants, whenever, in the opinion of the Engrossing Committee, such assistant or assistants may be required, and that the first assistant so appointed shall receive the per diem of six dollars, and all other assistants so appointed the per diem of five dollars, to be paid out of the Contingent Fund of the Senate.

*Resolved* further, That the resolution heretofore adopted by the Senate in relation to the subject matter herein, be and the same is hereby rescinded.

Adopted.

By Mr. Morrill :

*Resolved*, That when the Senate adjourns, it adjourns to meet at half-past two o'clock on Tuesday next, the eighteenth instant.

Mr. Minis moved to amend by striking out Tuesday and inserting Monday.

Upon the motion to amend, the ayes and noes were demanded by Messrs. O'Connor, Minis and Larkin, and the Senate refused, by the following vote :

**AYES**—Messrs. Banvard, Comte, Farley, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Minis, O'Connor and Perkins—12.

**NOES**—Messrs. Beach, Burnett, Conn, Curtis, Gwin, Lawrence, Mandeville, McDougall, Morrill, Murch, Orr, Pendegast, Roberts, Tompkins, Turner, Tweed, Wilson and Wing—18.

On motion of Mr. Beach, the rules were suspended, and Senate took up Senate Bill No. 9—An Act authorizing and directing the conversion of certain legal tender notes in the State treasury into gold coin.

The rules were further suspended, bill considered engrossed, read a third time and passed.

#### GENERAL FILE.

Senate Bill No. 128—An Act to legalize and confirm certain grants and sales of town lands by the Board of Trustees of the Town of Santa Barbara, and by the Mayor and Common Council of the City of Santa Barbara, made since the passage of the Act of May fourteenth, eighteen hundred and sixty-one.

Passed on file

Senate resolution relative to the appointment of W. C. Campbell Clerk for several committees.

Passed on file.

Assembly Bill No. 2—An Act amendatory of and supplementary to an Act passed March twenty-sixth, eighteen hundred and sixty-six—entitled an Act to organize and regulate the Justices' Court in the City and County of San Francisco, and to extend the powers and duties of the Sheriff of said city and county.

Passed on file.

Senate Bill No. 26—An Act to pay the claim of H. F. Hastings, assignee of George Seckel, Clerk of the Supreme Court.

Read a third time and passed.

Senate Bill No. 132—An Act to provide for engraving and printing Controller's warrants.

Amendment of committee adopted, and bill ordered engrossed.

Senate Bill No. 160—An Act to authorize the construction of a railroad bridge across Napa Creek, in the County of Napa.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 127—An Act to authorize the Assessor of the City and County of San Francisco to appoint deputies.

Taken from the file, and referred to the Committee on State and County Revenue.

Assembly Bill No. 60—An Act to authorize the County of Sacramento to issue bonds.

Read a third time and passed.

Assembly Bill No. 158—An Act in relation to the assessment of property in Tuolumne County for the year A. D. eighteen hundred and sixty-nine.

Referred to the Judiciary Committee.

On motion, Senate took up Assembly Concurrent Resolution No. 13—Relative to granting Peter H. Peveler, County Clerk of Del Norte County, leave of absence.

Read a third time and passed.

Mr. Lawrence had leave to introduce the following resolution :

*Resolved*, That the usual number of copies of all bills of a general nature be and are hereby ordered printed, and that no other bills be printed except by special order.

Pending the consideration of the resolution, on motion of Mr. Curtis, at twelve o'clock and forty-five minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest : JOSEPH ROBERTS, Jr., Secretary of Senate.

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## IN SENATE.

SENATE CHAMBER,  
Tuesday, January 18th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called

Quorum present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

## LEAVE OF ABSENCE.

Messrs. Conly, Beach, Conn and Kincaid were granted leave of absence for one day, and indefinite leave of absence to Mr. Fowler.

## REMONSTRANCES.

Mr. Farley presented a remonstrance from citizens of Amador County, against the passage of Assembly Bill No. 52.

Referred to the Amador and El Dorado delegations.

Mr. Hager presented a protest from the citizens of San Francisco, against the bill granting a franchise to the Steam Grading Company.

Referred to the San Francisco delegation.

By Lieutenant-Governor Holden, from the citizens of Vallejo, protesting against the passage of a bill granting to Wm. Aspenall and associates the right to lay down water pipes in the City of Vallejo.

Referred to the Committee on Commerce and Navigation.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 9—An Act authorizing and directing the conversion of certain legal tender notes in the State treasury into gold coin.

Also, Senate Bill No. 132—An Act to provide for engraving and printing Controller's warrants.

Also, Senate Bill No. 160—An Act to authorize the construction of a railroad bridge across Napa Creek, in the County of Napa.

O'CONNOR, Chairman.

Mr. Morrill, from the Committee on Enrolment, made the following report :

MR. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 77—An Act to provide for the relief and maintenance of the indigent sick of Klamath County.

Also, Senate Bill No. 78—An Act for the payment of warrants against the Hospital Fund of Klamath County.

And this day, at two o'clock P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. Banvard, from the Committee on Finance, made the following report :

MR. PRESIDENT: Your Committee on Finance would respectfully report that they have had under consideration Senate Bill No. 109—An Act to settle and pay the unpaid expenses of the State geological survey—and unanimously recommend the passage of the same.

BANVARD, Chairman.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
January 15th, 1870. }

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on yesterday, passed, with amendment, Senate Joint Resolution No. 3—Relative to declaring the public highways from Santa Rosa to Sonoma a mail route.

And, on this day, passed Senate Bill No. 49—An Act to amend an Act entitled an Act to amend an Act entitled an Act to incorporate the Town of Grass Valley, approved March twenty-fourth, eighteen hundred and sixty-six.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Joint Resolution No. 3, above reported from the Assembly with an amendment, read and amendment concurred in.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

**By Mr. Banvard**—An Act in relation to the office of State Geologist. Read first and second times and referred to the Committee on Education.

**By Mr. Minis**—An Act relating to swamp and overflowed lands.

Read first and second times and referred to the Committee on Swamp and Overflowed Lands, and ordered printed.

**Also,** an Act to provide for the reclamation of swamp, salt marsh, tide and other overflowed lands.

Read first and second times and referred to the Committee on Swamp and Overflowed Lands, and ordered printed.

**By Mr. Wilson**—An Act to extend an Act entitled an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six, to the Seventeenth Judicial District of the State of California.

Read first and second times and referred to the delegation from the Seventeenth Judicial District.

**By Mr. Mandeville**—An Act for the relief of Caleb Dorsey, District Attorney of Tuolumne County.

Read first and second times and referred to the Judiciary Committee.

**By Mr. Pendegast**—An Act to provide for the revision of the laws of the State of California.

Read first and second times and referred to the Judiciary Committee, and ordered printed.

**By Mr. Farley**—An Act supplementary to an Act to provide for the revision and compilation of the laws of the State of California, and the publication thereof.

Read first and second times and referred to the Judiciary Committee, and ordered printed.

**Also,** an Act for the relief of Robert M. Folger.

Read first and second times and referred to the Committee on Claims.

**By Mr. Perkins**—An Act to provide for the payment of certain warrants drawn upon the State Treasurer.

Read first and second times and referred to the Finance Committee.

By Mr. Wand—An Act granting certain privileges to the Central Railroad Company of San Francisco.

Read first and second times and referred to the San Francisco delegation.

Also, an Act to change the grade of Mason street, from Pacific street to Vallejo street, in the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Betge—An Act to amend an Act entitled an Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia, approved April fourth, eighteen hundred and sixty-four.

Read first and second times and referred to the Committee on Commerce and Navigation, and ordered printed.

By Mr. Hager—An Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia.

Read first and second times and referred to the Committee on Commerce and Navigation, and ordered printed.

Also, an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two.

Read first and second times and referred to the Committee on Corporations.

By Mr. Comte—An Act to appropriate money for the salary of the Assistant Adjutant-General of the State, for the twentieth and twenty-first fiscal years.

Read first and second times and referred to the Committee on Claims.

Also, an Act supplemental to an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

Read first and second times and referred to the Judiciary Committee.

#### MOTIONS, RESOLUTIONS AND NOTICES.

By Mr. Gwin :

WHEREAS, on the first day of September, eighteen hundred and forty-nine, delegates elected by the people met in convention at Monterey, in this State, and made the Constitution of California, which was ratified by the people on the thirteenth day of November, eighteen hundred and forty-nine; and whereas, on the ninth day of September, eighteen hundred and fifty, Congress passed a law, in which it was declared "That the State of California shall be one, and is hereby declared to be one of the United States of America, and admitted into the Union on an equal footing with the original States, in all respects whatever;" and whereas, in the Tenth Amendment to the Constitution of the United States it is declared, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people;" and whereas, among these reserved powers is the right of each State to determine what portion of its inhabitants shall be entitled to suffrage; and whereas, the proposed Fifteenth Amendment to the Constitution of the United States, in the words and figures following, to wit: "Article XV, Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color or previous condition of ser-

vitude. Section 2. The Congress shall have power to enforce this article by appropriate legislation," takes the control of suffrage from each and all of the States and gives it to the Congress of the United States; therefore, be it

*Resolved*, by the people of the State of California, represented in Senate and Assembly—

*First*—That the Constitution of the United States confers no power upon the Congress to propose to three-fourths of the States such an amendment to the Constitution, and gives no power to three-fourths of the States to ratify the same.

*Second*—That on her admission into the Union as a State, California was invested with the right to declare what persons should be entitled to vote within her boundaries; and until she, by her voluntary act, surrender that right, the Congress of the United States has no authority to exercise such power within her jurisdiction.

*Third*—That the said proposed Fifteenth Amendment be and the same is hereby rejected. Be it further

*Resolved* That the Governor be requested to transmit copies of this concurrent resolution to the Secretary of State of the United States and to the Senators and Representatives in Congress from this State

Read and made the special order for to-morrow, at one o'clock P. M., and ordered printed.

By Mr. Perkins:

*Resolved* by the Senate, the Assembly concurring, That our Senators in Congress be instructed to use their influence to procure mail service from Oroville to Taylorville, three times per week, and to procure the extension of that route to Round Valley, via Crescent Wells and Greenville.

*Resolved*, That his Excellency the Governor be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

Read and referred to the Committee on Federal Relations.

Mr. Lawrence gave notice that on Thursday next, January twentieth, he would introduce an amendment to Senate rule forty-nine.

By Mr. Comte:

*Resolved*, That the Sergeant-at-Arms be and he is hereby authorized and directed, whenever any Porter fails in his duty, to employ some suitable person to perform the labor of said Porter, the expense thereof to be deducted from the per diem of such delinquent Porter.

Adopted.

By Mr. Morrill:

*Resolved*, That the Sergeant-at-Arms of the Senate be and is hereby authorized to procure suitable rooms for the use of the Committee on Commerce and Navigation, the same to be paid for out of the Contingent Fund of the Senate.

Adopted.

## GENERAL FILE.

**Senate Bill No. 128**—An Act to legalize and confirm certain grants and sales of town lands by the Board of Trustees of the Town of Santa Barbara and by the Mayor and Common Council of the City of Santa Barbara, made since the passage of the Act of May fourteenth, eighteen hundred and sixty-one.

Taken from file and referred to the Judiciary Committee.

Senate resolution, relative to the appointment of W. C. Campbell Clerk for several committees.

Upon the adoption of the resolution the ayes and noes were demanded by Messrs. Irwin, Hager and Betge, and the Senate refused, by the following vote:

**AYES**—Messrs. Banvard, Betge, Curtis, Hunter, Hutchings, Larkin, Lawrence, McDougall, Morrill, Orr, Perkins and Wand—12.

**NOES**—Messrs. Burnett, Comte, Farley, Gwin, Hager, Irwin, Mandeville, Minis, Murch, O'Connor, Pendegast, Roberts, Tompkins, Turner, Tweed, Wilson and Wing—17.

**Assembly Bill No. 2**—An Act amendatory of and supplementary to an Act passed March twenty-sixth, eighteen hundred and sixty-six, entitled an Act to organize and regulate the Justices' Court in the City and County of San Francisco, and to extend the powers and duties of the Sheriff of said city and county.

Taken from file and referred to the Judiciary Committee.

**Senate Bill No. 87**—An Act to authorize the Council of the City of Oakland to lay out, open or improve streets in said city.

Amendment of committee adopted, and bill ordered engrossed.

On motion, the vote by which the above bill was ordered to be engrossed was rescinded.

On motion of Mr. Tompkins, the rules were suspended, the bill considered engrossed, read a third time and passed.

**Senate Bill No. 175**—An Act to amend an Act entitled an Act prescribing rules for the government of the State Library, approved March eighth, eighteen hundred and sixty-one.

Laid on the table.

**Senate Bill No. 91**—Bill ratifying and confirming action of Common Council of the City of Oakland.

Passed on file.

**Senate Bill No. 98**—An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of the State, approved April twenty-ninth, eighteen hundred and fifty-one.

Ordered engrossed

**Assembly Bill No. 7**—An Act to provide means for the government of the County of Santa Cruz and for the payment and funding of the debt of said county.

Passed on file.

**Senate Bill No. 182**—An Act to amend an Act entitled an Act to extend an Act entitled an Act to prevent stallions from running at large in the County of Sacramento.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Orr had leave to present a petition from the citizens of the environs



of the City of Stockton for the passage of a bill for their annexation to the City of Stockton.

Read and referred to the Committee on Corporations.

Mr. Mandeville presented an affidavit of Caleb Dorsey, which was referred to the Judiciary Committee.

#### UNFINISHED BUSINESS OF SATURDAY.

Senate resumed consideration of resolution relative to printing bills.

Mr. Lawrence had leave to withdraw the same.

On motion of Mr. Pendegast, at four o'clock and five minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,

Wednesday, January 19th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

#### REMONSTRANCES.

By Mr. Hager—Protest from citizens of San Francisco, against the passage of a bill granting Union Square to the California Pioneers.

Referred to the San Francisco delegation.

By Mr. Farley—From citizens of Amador County, against the passage of Assembly Bill No. 53.

Referred to the Amador and El Dorado delegations.

By Mr. Morrill—From citizens of the environs of the City of Stockton, against the passage of a bill providing for the annexation of said environs to the City of Stockton.

Referred to the Committee on Corporations.

By Mr. Kincaid—From citizens of San Mateo County, against the passage of a bill for the protection of deer in said county.

Referred to the Committee on Agriculture.

By Mr. Fowler—From citizens of Tulare County, against the passage of an Act amending the fee bill passed at the last session of the Legislature, so far as the same relates to Tulare County.

Referred to Senator Roberts.

#### PETITIONS.

By Mr. Fowler—From citizens of Tulare County, asking for the

repeal of the fee bill passed at the last session of the Legislature, so far as the same relates to Tulare County.

Referred to Senator Roberts.

#### REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Joint Resolution No. 3—Relative to declaring the public highway from Santa Rosa to Sonoma a mail route.

Also, Senate Bill No. 98—An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Also, Senate Bill No. 182—An Act to amend an Act entitled an Act to extend an Act entitled an Act to prevent stallions from running at large in the County of Sacramento, approved March twenty-eighth, eighteen hundred and fifty-nine, approved March twenty-eighth, eighteen hundred and sixty.

O'CONNOR, Chairman.

Mr. Tompkins, from the Committee on Counties and County Boundaries, made the following report:

Mr. PRESIDENT: The Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 37—An Act to amend an Act entitled an Act to define and establish the boundaries of Mono County, approved March second, eighteen hundred and sixty-six—have had the same under consideration, and now report the same back to the Senate and recommend its passage.

TOMPKINS, Chairman.

Mr. Larkin, from the Committee on State and County Revenue, made the following report:

Mr. PRESIDENT: The Committee on State and County Revenue, to whom was referred Senate Bill No. 127, have had the same under consideration, and report the same back and recommend its passage.

LARKIN, Chairman.

Mr. Comte, from the Sacramento delegation, made the following reports:

Mr. PRESIDENT: The Sacramento delegation, to whom was referred Assembly Bill No. 42—An Act to increase the salary of Police Judge of Sacramento City—respectfully report that they have had the same under consideration, and return it with the recommendation that it do not pass.

CURTIS,  
COMTE.

Mr. PRESIDENT: The Sacramento delegation, to whom was referred Assembly Bill No. 15—An Act concerning the office of District Attorney

of Sacramento—respectfully report that they have had the same under consideration, and return the same with the recommendation that it be referred to the Judiciary Committee.

CURTIS,  
COMTE.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 18th, 1870. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved substitute for Senate Bill No. 3—An Act in relation to common schools of the City of Sacramento.

Also; Senate Bill No. 139—An Act to appropriate money for contingent expenses of the Legislature at the eighteenth session thereof.

H. H. HAIGHT,  
Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
January 18th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on Friday, fourteenth instant, passed the following bills and concurrent resolutions :

Assembly Bill No. 116—An Act for the relief and maintenance of the indigent sick of Humboldt County.

Also, substitute for Assembly Bill No. 58—An Act to repeal an Act entitled an Act to authorize the Supervisors of Humboldt County to levy a special tax for certain purposes, and to provide for the collection of the same, approved April eighteenth, eighteen hundred and fifty-seven, and an Act amendatory thereof, approved February eleventh, eighteen hundred and fifty-eight.

Also, Preamble and Concurrent Resolution No. 17—Approving the action of Tennessee in rejecting the Fifteenth Amendment.

Also, Assembly Concurrent Resolution No. 18—Granting leave of absence to John A. Watson, County Clerk of Humboldt County.

Also, Assembly Concurrent Resolution No. 8—Relative to building a breakwater at Crescent City.

Also, Assembly Concurrent Resolution No. 11—For the establishment of a mail route from San Rafael, Marin County, to Petaluma, Sonoma County.

And on Monday, the seventeenth instant, passed Assembly Bill No. 43—An Act to grant the right to construct and maintain a bridge and ferry across Russian River, and to open a public highway thereto.

Also, Assembly Concurrent Resolution No. 12—For a mail route from Millville, Shasta County, to Fort Bidwell, Siskiyou County, and to establish Post-offices.

And on this day passed Assembly Bill No. 11—An Act for the relief of Green T. Martin.

Also, adopted Assembly Concurrent Resolution No. 21—Relative to printing the reports of the State Agricultural Society.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 116, above reported, read first and second times and referred to the Committee on Hospitals.

Substitute for Assembly Bill No. 58, above reported, read first and second times and referred to the Committee on Counties and County Boundaries.

Preamble and Concurrent Resolution No. 17, above reported, read first and second times and referred to the Committee on Federal Relations.

Assembly Concurrent Resolution No. 18, above reported, read first and second times and placed on file.

Assembly Concurrent Resolution No. 8, above reported, read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Concurrent Resolution No. 11, above reported, read first and second times and referred to the Committee on Federal Relations.

Assembly Bill No. 43, above reported, read first and second times and referred to the Committee on Corporations

Assembly Concurrent Resolution No. 12, above reported, read first and second times and referred to the Committee on Federal Relations.

Assembly Bill No. 11, above reported, read first and second times and referred to the Committee on Claims.

Assembly Concurrent Resolution No. 21, above reported, read first and second times and referred to the Committee on Printing.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Hager—An Act to provide for the payment of services heretofore rendered to the State of California, and to appropriate moneys for the same.

Read first and second times and referred to the Finance Committee.

Also, an Act supplementary to an Act entitled an Act prescribing certain conditions for the transaction of insurance business in the State of California, approved March twenty-sixth, eighteen hundred and sixty-eight.

Read first and second times and referred to the Judiciary Committee, and ordered printed.

By Mr. Curtis—An Act making appropriations for payment of claims for furniture, carpets, etc., purchased by the Secretary of State, for furnishing the new State Capitol and for furnishing Supreme Court-room, Supreme Judges' rooms, etc.

Read first and second times and, with accompanying documents, referred to the Finance Committee.

By Mr. Mandeville—An Act to authorize the payment of the claims of Mrs. Eliza McClane, for supplies furnished the State Marine Hospital in eighteen hundred and fifty-three and eighteen hundred and fifty-four.

Read first and second times and, with accompanying documents, referred to the Committee on Claims.

By Mr. Pendegast—An Act to pay for the planking of streets in the City of Sacramento.

Read first and second times and referred to the Committee on Public Expenditures.

By Mr. Tweed—An Act to protect the rights of married women in certain cases.

Read first and second times and referred to the Judiciary Committee.

By Mr. Wand—An Act granting to certain persons the right to construct, maintain and use a horse railroad within the City of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Betge—An Act to create the office of Inspector of Beeves, Swine, and other animals intended to be slaughtered for food.

Read first and second times and referred to the San Francisco delegation.

By Mr. Mandeville—An Act for the payment of the salary of the County Judge of Tuolumne County.

Read first and second times and referred to the Finance Committee.

#### MOTIONS, RESOLUTIONS AND NOTICES.

By Mr. Conn :

WHEREAS, the territory lying between the City of San Diego, in the State of California, and the City of Salt Lake, in the Territory of Utah, embracing a distance of nearly one thousand (1,000) miles, along which the land is being rapidly settled by an intelligent and permanent population, with towns and trading posts established at convenient distances; and whereas, there are at present no postal facilities afforded, and no provision made by the Post-office Department of the General Government for the transmission of mails along said route, and between the said termini of Salt Lake and San Diego; therefore, be it

*Resolved* by the Senate, the Assembly concurring, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure the establishment of a mail route from San Diego, via San Bernardino, to Salt Lake, Utah, with the establishment of Post-offices along said route at convenient intervals, said services to be performed weekly.

*Resolved*, that his Excellency the Governor be requested to forward a copy of these resolutions to our Senators and Representatives in Congress, at as early a day as possible.

Mr. Larkin gave notice that he would, at an early day, introduce a bill for an Act to prescribe the punishment for members of the Legislature and State officers receiving and using free passes upon the railroads and steamboats of this State.

#### GENERAL FILE.

The Senate took up bills on the general file as follows :

Senate Bill No. 91—Bill ratifying and confirming action of Common Council of the City of Oakland.

Laid on the table.

Assembly Bill No. 7—An Act to provide means for the government of the County of Santa Cruz and for the payment and funding of the debt of said county.

Amendment of committee adopted ; read a third time and passed.

Senate Bill No. 181—An Act to expunge from the Journal the judgment of the Senate entered against James H. Hardy, on the fourteenth day of May, eighteen hundred and sixty-two.

Made the special order for Wednesday next, at one o'clock P. M.

Senate Bill No. 132—An Act for engraving and printing Controller's warrants.

Read a third time and passed.

[President pro tem., Mr. Lewis, in the chair.]

Senate Bill No. 109—An Act to settle and pay the unpaid expenses of the State Geological Survey.

Mr. Comte moved to take the bill from the file and refer it to the Judiciary Committee.

Mr. Hager moved to amend by referring the bill before the Senate, together with Senate Bill No. 183, heretofore reported by the Finance Committee, to the Finance Committee.

Lost.

The motion to refer the bill to the Judiciary Committee prevailed, and bill was so referred.

#### SPECIAL ORDER.

The hour of one o'clock having arrived, Senate took up consideration of special order—Governor's message transmitting Fifteenth Amendment; also, resolutions introduced by Senator Gwin; also, resolutions introduced by Senator Hager.

Mr. Gwin moved that the resolutions introduced by him on yesterday be adopted as a substitute for the resolutions heretofore introduced by him upon the same subject.

Carried.

The substitute was read a third time.

Mr. Betge moved that the further consideration of the special order be suspended, and that the same be made the special order for Wednesday next, at one o'clock P. M.

Mr. Wand moved to amend by inserting Saturday next, at one o'clock P. M.

Mr. Lawrence offered as a substitute, that the consideration of the Governor's message, and the resolutions now under consideration, be made the special order for Friday next, at one o'clock P. M.

Adopted.

On motion of Mr. Betge, at one o'clock and twenty minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Thursday, January 20th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Rev. Dr. Lucky.

Journal of yesterday read and approved.

## PETITION.

A petition was presented by Mr. Perkins, relative to granting Emily Bartholemew power to sell property of wards.

Referred to the Judiciary Committee.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 87—An Act to authorize the Council of the City of Oakland to lay out, open or improve streets in said city.

O'CONNOR, Chairman.

Mr. Lawrence, from the Committee on Printing, made the following report :

MR. PRESIDENT: Your committee, to whom was referred Assembly Concurrent Resolution No. 21—Relative to the printing of reports and transactions of the State Agricultural Society—report the same back and respectfully recommend its passage.

LAWRENCE, Chairman.

Mr. Hager, from the Judiciary Committee, made the following report :

MR. PRESIDENT: The Committee on Judiciary, having had under consideration Assembly Bill No. 158—An Act relative to the assessment of property in Tuolumne County for the year eighteen hundred and sixty-nine—report the same back with an amendment, and recommend the passage of the bill as amended.

Also, Senate Bill No 10—An Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-seventh, eighteen hundred and sixty-three—and report the same back and recommend that it do not pass.

HAGER, Chairman.

Mr. Betge, from the Committee on Commerce and Navigation, made the following report :

**Mr. PRESIDENT:** Your Committee on Commerce and Navigation report back resolutions of the Trustees of the City of Vallejo, in reference to granting William Aspenall and others the right to lay down water pipes, and recommend its reference to the Committee on Corporations.

**BETGE, Chairman.**

**Mr. Morrill,** from the Committee on Enrolment, made the following report :

**Mr. PRESIDENT:** Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 49—An Act to amend an Act entitled an Act to amend an Act to revise and amend an Act entitled an Act to incorporate the Town of Grass Valley—approved March twenty-fourth, eighteen hundred and sixty-six.

Also, Concurrent Resolution No. 3—Relative to declaring the public highways, from Santa Rosa to Sonoma, "mail routes."

And this day, at eleven o'clock and five minutes A. M., presented the same to the Governor for his approval.

**MORRILL, Chairman.**

**Mr. Conn,** from the San Bernardino delegation, verbally reported back Senate Bill No. 186, and recommended the reference of the same to the Judiciary Committee.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 19th, 1870.

*To the Senate of the State of California :*

I herewith transmit to your honorable body the biennial report of the State Board of Agriculture for the years eighteen hundred and sixty-eight and eighteen hundred and sixty-nine, and the transactions of the State Agricultural Society for the same period.

These reports contain useful information relative to various branches of agriculture. As there is but one copy of the documents, I respectfully ask that the Assembly be informed of their receipt.

**H. H. HAIGHT, Governor.**

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 19th, 1870.

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate Bill No. 77—An Act to provide for the relief and maintenance of the indigent sick of Klamath County.

Also, Senate Bill No. 78—An Act to provide for the payment of warrants against the Hospital Fund of Klamath County.

Also, Senate Bill No. 13—An Act to authorize the Board of Supervisors of Mariposa County to levy an additional tax for county expenditures.

**H. H. HAIGHT, Governor.**



## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Burnett—An Act to empower the Trustees of Sonoma School District, in Sonoma County, to borrow money and to provide for its payment.

Read first and second times and, on motion of Mr. Burnett, rules suspended, bill considered engrossed, read a third time and passed.

The rules were further suspended, and bill ordered to be immediately transmitted to the Assembly.

By Mr. Gwin—An Act to create a State Hospital and Almshouse.

Read first and second times and referred to the Committee on Hospitals, and ordered printed.

By Mr. Mandeville—An Act authorizing Bridget Stannah, Administratrix of the estate of William Stannah, deceased, to sell the real estate belonging to said estate in the City and County of San Francisco, at public or private sale.

Read first and second times and referred to the Judiciary Committee.

By Mr. Betge—An Act authorizing the Board of State Harbor Commissioners to lease a portion of the water front in the City and County of San Francisco.

Read first and second times and referred to the Committee on Commerce and Navigation, and ordered printed.

By Mr. Farley—An Act in relation to the inspection of steam boilers in the State of California.

Read first and second times and referred to the Judiciary Committee, and ordered printed.

By Mr. Perkins—An Act supplementary to an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight.

Read first and second times and referred to the Judiciary Committee.

The rules were suspended and Senate took up and adopted Assembly Concurrent Resolution No. 21, heretofore reported, relative to printing reports of State Agricultural Society.

On motion, the usual numbers of Senate Bills Nos. 136, 137 and 204 were ordered printed.

## GENERAL FILE.

Senate took up bills on the general file as follows :

Senate Bill No. 98—An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Read a third time and passed.

Senate Bill No. 127—An Act to authorize the Assessor of the City and County of San Francisco to appoint deputies.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 42—An Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

Indefinitely postponed.

Assembly Bill No. 37—An Act to amend an Act entitled an Act to define and establish the boundaries of Mono County, approved March second, eighteen hundred and sixty-six.

Read a third time and passed.

Assembly Concurrent Resolution No. 48—Granting leave of absence to John A. Watson, County Clerk of Humboldt County.  
Read a third time and passed.

#### RESOLUTION.

Mr. Maclay had leave to introduce the following resolution :

*Resolved*, That Dr. Lucky and Rev. Dr. Fitzgerald are hereby invited to deliver a lecture on the State Normal School, in this chamber, to-morrow evening (Friday), at half-past seven o'clock.

Adopted.

#### REPORT.

Mr. Kincaid, from the Committee on Mileage, had leave to make the following report :

Mr. PRESIDENT: Your Committee on Mileage would respectfully submit the following report: That Messrs. Lewis, Saunders, Betge, Maclay and Green, constituting the Senate State Prison Committee, are each entitled to the sum of fifty-two dollars for mileage, in going to and returning from the State Prison at San Quentin.

KINCAID, Chairman.

Adopted.

On motion of Mr. Maclay, at eleven o'clock and fifty-five minutes A. M., the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest : JOSEPH ROBERTS, Jr., Secretary of Senate.

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#### IN SENATE.

SENATE CHAMBER,  
Friday, January 21st, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

#### PETITION.

Mr. Morrill presented a petition from citizens of the City of Stockton, protesting against extending the limits of said city.

Referred to the Committee on Corporations.

## -REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 127—An Act to authorize the Assessor of the City and County of San Francisco to appoint deputies.

O'CONNOR, Chairman.

Mr. Wand, from the Committee on Contingent Expenses, made the following report :

Mr. PRESIDENT: The Committee on Contingent Expenses, to whom was referred resolution allowing a Clerk to Select Committee on Fees and Salaries, and declaring that salary of said Clerk be paid out of the Contingent Fund, have had the same under consideration and herewith report it back, with the recommendation that it pass.

WAND, Chairman.

Mr. Curtis, from the Committee on Claims, made the following report :

Mr. PRESIDENT: The Committee on Claims have had under consideration Senate Bill No. 42—An Act to appropriate money to pay for services rendered the State by Dr. T. C. Overton—and report the same back without recommendation.

CURTIS, Chairman.

Mr. McDougall, from the Committee on State Hospitals, made the following report :

Mr. PRESIDENT: The Committee on State Hospitals, to whom was referred Senate Bill No. 50—An Act to provide for the appointment of a Commissioner to visit the Eastern insane asylums, and to define his powers and duties—respectfully report the same back with amendments, and recommend the passage of the same as amended.

McDOUGALL, Chairman.

Mr. Hager, from the Committee on Judiciary, made the following report :

Mr. PRESIDENT: The Committee on Judiciary, to whom was referred Assembly Bill No. 2—An Act amendatory of and supplementary to an Act entitled an Act to organize and regulate the Justices' Court in the City and County of San Francisco, and to extend the powers and duties of the Sheriff of said city and county—have had the same under consideration and report the same back with a substitute therefor, and for Senate Bill No. 95, and recommend the passage of the substitute.

HAGER, Chairman.

Also, verbally reported back, Senate Bill No. 95, from the San Fran-

cisco delegation, and recommended the passage of a substitute, as reported from the Judiciary Committee.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
January 20th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on Tuesday, the eighteenth instant, passed Assembly Bill No. 10—An Act to alter the judicial districts and to create the Eighteenth Judicial District.

And on yesterday passed Assembly Bill No. 118—An Act to authorize Len Gerlock, and his associates and assigns, to construct and maintain a chute and moorings at Scott's Landing, on the Pacific Ocean, in Mendocino County, and to charge and collect tolls for the use thereof.

Also, Assembly Bill No. 130—An Act to authorize the County Treasurer of San Bernardino County to transfer certain funds.

Also, Senate Bill No. 112—An Act to raise a fund for the improvement of Napa City.

CRAWFORD,  
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 130, above reported, read first and second times and referred to the Committee on State and County Revenue.

Assembly Bill No. 118, above reported, read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 10, above reported, read first and second times and referred to the Judiciary Committee.

[Mr. Roberts in the chair.]

INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Hunter—An Act making an appropriation for deficiencies for the twenty-first fiscal year, ending the thirtieth day of June, eighteen hundred and seventy.

Read first and second times and referred to the Finance Committee.

By Mr. Gwin—An Act to provide for the appointment of a Commissioner of Railroads and Telegraphs, and to prescribe his duties.

Read first and second times and referred to the Committee on Corporations, and ordered printed.

By Mr. Hager—An Act to regulate the elections of voluntary political associations and parties in the City and County of San Francisco, and to secure a fair expression of the choice of such associations and parties in the nomination of candidates.

Read first and second times and referred to the San Francisco delegation.

By Mr. Wilson—An Act to establish and define the powers and duties of the Board of Education and of the Superintendent of Common Schools of the City of Los Angeles.

Read first and second times and referred to the Committee on Education.

By Mr. Hager—An Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

By Mr. Minis—An Act to repeal an Act entitled an Act supplementary to the Act entitled an Act concerning crimes and punishments, approved April first, eighteen hundred and sixty-four.

Read first and second times and referred to the Judiciary Committee.

By Mr. Saunders—An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, approved May first, eighteen hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee, and ordered printed.

By Mr. Saunders—An Act providing for the adoption of minors and the legitimatizing of children born out of wedlock.

Read first and second times and referred to the Committee on Public Morals, and ordered printed.

#### MOTIONS AND RESOLUTIONS.

By Mr. Kincaid :

*Resolved*, That the Sergeant-at-Arms is hereby directed to prepare suitable rooms, with necessary furniture, stationery, fuel and lights, for the Committee on Corporations.

Adopted.

By Mr. Curtis :

*Resolved*, That Philip Oppenheim be and is hereby authorized and directed to complete the copying of the minutes, and to write up and complete the Appendix to the Senate Journal, which may be unfinished at the close of the present session, at a compensation of fifteen (15) cents per folio, commencing at the page at the time of adjournment, which page shall be certified to the Controller of State by the Secretary of the Senate, and when completed, the said Philip Oppenheim shall deliver the work done to the Controller, who shall compute and audit the same, and draw his warrant in favor of said Philip Oppenheim for the amount found to be due, payable out of the Contingent Fund of the Senate.

Referred to the Committee on Contingent Expenses.

[President pro tem, Mr. Lewis, in the chair.]

Mr. Saunders had leave to make the following report :

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 44—An Act relating to certificates of incorporation—having had the same under consideration, report it back with amendments, as follows, and recommend its passage as amended: Amend section one, on page one, by inserting, after the word "vote," in line twelve, the words "or written assent." Amend section one, on page two, by adding, after the word "thereof," in line twenty, the following: "also *provided*, that unless the vote or written assent of all

the stockholders has been obtained, then a notice of the intention to make such amendment shall first be advertised for sixty days, in some newspaper published in the town, city or county in which the principal place of business of said company is located, and the written protest of any one of said stockholders, or his duly authorized agent or attorney, whose assent has not been obtained, filed with the Secretary of the company, shall, unless withdrawn, be effectual to prevent the adoption of such amendment."

Also, have considered Senate Bill No. 89—An Act supplementary to an Act entitled an Act concerning assessments upon the stock of corporations, approved March twenty-sixth, eighteen hundred and sixty-six—report the same back and recommend its passage.

Also, Assembly Bill No. 6—An Act amendatory of and supplementary to an Act to incorporate the Town of Santa Cruz, approved March thirty-first, eighteen hundred and sixty-six—report the same back and recommend its passage.

SAUNDERS, Chairman.

On motion of Mr. Roberts, Senate took up the resolution reported by the Committee on Contingent Expenses, as follows:

*Resolved*, That the salary of the Clerk of the Select Committee on Fees and Salaries shall be paid out of the Contingent Fund of the Senate.

Adopted.

Mr. Larkin had leave to make the following report:

Mr. PRESIDENT: Your Committee on State and County Revenue have had Assembly Bill No. 58 under consideration, and would report the same back and recommend its passage.

LARKIN, Chairman.

#### GENERAL FILE.

The Senate took up bills on the general file as follows:

Senate Bill No. 10—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-seventh, eighteen hundred and sixty-three.

Taken from the file and recommitted to the Judiciary Committee, with instructions to report a substitute for the same.

Assembly Bill No. 158—An Act in relation to the assessment of property in Tuolumne County for the year A. D. eighteen hundred and sixty-nine.

Amendment of committee adopted.

Bill read a third time and passed, and the Secretary instructed to report the bill back to the Assembly immediately.

On motion, the rules were suspended and Senate took from the table report of Committee on Claims upon Senate Bill No. 42.

The rules were suspended, bill considered engrossed, read a third time and passed.

Mr. Betge had leave to offer the following resolution:

*Resolved*, That the Sergeant-at-Arms be and he is hereby directed to purchase ten copies of Hittell's Digest for the use of the Senate, to be paid out of the Contingent Fund of the Senate.

Referred to the Committee on Contingent Expenses.

At twelve o'clock and ten minutes P. M., on motion of Mr. Murch, the Senate took a recess until one o'clock.

#### REASSEMBLED.

At one o'clock P. M., the Senate reassembled.

President in the chair.

Roll called.

Quorum present.

#### SPECIAL ORDER.

The hour of one o'clock having arrived, Senate took up consideration of the special order, as follows:

Governor's message transmitting Fifteenth Amendment; also, resolutions introduced by Senator Gwin; also, resolutions introduced by Senator Hager.

On motion, the resolutions introduced by Mr. Gwin were temporarily laid on the table.

On motion, the resolution introduced by Mr. Hager were amended by striking out the word "wherefore," in line nineteen, page one, and insert in lieu thereof the word "therefore."

On motion, the rules were suspended, resolution considered engrossed and read a third time.

#### REPORT.

Mr. O'Connor, from the Engrossing Committee, made the following report:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 208—An Act to empower the Trustees of Sonoma School District, in Sonoma County, to borrow money and provide for its payment.

O'CONNOR, Chairman.

On motion of Mr. Farley, the further consideration of the resolution was made the special order for Tuesday next, at one o'clock P. M.

On motion of Mr. Conly, at four o'clock and twenty-five minutes, the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

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#### IN SENATE.

SENATE CHAMBER,

Saturday, January 22d, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Green was granted leave of absence for two days.

#### REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 42—An Act to appropriate money to pay for services rendered the State by C. T. Overton.

O'CONNOR, Chairman.

Mr. Hager, from the Judiciary Committee, made the following report:

Mr. PRESIDENT: The Committee on the Judiciary having had under consideration Assembly Bill No. 17—An Act supplementary to an Act to provide for the appointment of Notaries Public and defining their duties—report the same back and recommend its passage.

HAGER, Chairman.

Mr. Saunders, from the Committee on Corporations, made the following report:

Mr. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 123—An Act to reincorporate the City of Stockton, and amendatory of an Act entitled an Act to reincorporate the City of Stockton, approved April twenty-first, eighteen hundred and sixty-two—have had the same under consideration and report it back with an amendment, and as amended, recommend that it pass. Amend by striking out all after the word "purposes," in line twenty-one, page twelve, section six, and inserting the following: "And it is further *provided*, that the Insane Asylum of the State of California and all property belonging to the State shall be exempt from taxation by the corporate authorities of said city."

SAUNDERS, Chairman.

#### PETITION.

Mr. Hager presented a petition from citizens of the City of San Francisco, protesting against the passage of a bill granting a franchise to the Steam Grading Company, in said city.

Referred to the San Francisco delegation.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 22d, 1870. }

*To the Senate of the State of California:*

I hereby nominate Dr. William A. Douglass, Quarantine Officer for the port of San Francisco, vice Gordon, resigned, and respectfully ask



your honorable body to confirm the same; commission to take effect February first, eighteen hundred and seventy.

H. H. HAIGHT,  
Governor.

Rule forty-eight of the standing rules of the Senate was suspended, and Senate went into executive session in order to consider the message of the Governor.

Upon the question, "Will the Senate advise and consent to the nomination of Dr. William A. Douglass, Quarantine Officer for the port of San Francisco, vice Gordon, resigned?" the roll was called, with the following result:

**AYES**—Messrs. Banvard, Beach, Betge, Burnett, Conly, Conn, Curtis, Farley, Fowler, Gwin, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Mandeville, McDougall, Minis, Morrill, O'Connor, Orr, Pendegast, Perkins, Saunders, Tompkins, Turner, Tweed, Wand, Wilson and Wing—33.

Mr. Larkin had leave to make the following report:

Mr. PRESIDENT: Your Committee on State and County Revenue have had under consideration Assembly Bill No. 130, and would report the same back and recommend its passage.

LARKIN, Chairman.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
January 21st, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly on Wednesday, the nineteenth instant, passed the following bills:

Assembly Bill No 12—An Act amendatory of and supplementary to an Act to regulate criminal cases, passed May fifteenth, eighteen hundred and fifty-one, and all Acts amendatory thereof.

Also, Assembly Bill No. 65—An Act to amend an Act entitled an Act respecting the Trustees of San Diego, approved April twenty-eighth, eighteen hundred and fifty-two.

Also, Assembly Bill No. 61—An Act to amend an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

And on yesterday passed Assembly Bill No. 82—An Act to amend an Act to authorize the Board of Supervisors of Inyo County to levy a special tax for building purposes, approved January twenty-ninth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 208—An Act to empower the Trustees of Sonoma School District, in Sonoma County, to borrow money, and provide for its payment.

Also, Senate Bill No. 9—An Act authorizing and directing the conversion of certain legal tender notes in the State treasury into gold coin.

Also, concurred in Senate amendment to Assembly Bill No. 7—An Act

to provide means for the government of the County of Santa Cruz, and for the payment and funding of the debt of said county.

**CRAWFORD,**  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 12, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 65, above reported, read first and second times and referred to the San Diego delegation.

Assembly Bill No. 61, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 82, above reported, read first and second times and referred to the Committee on State and County Revenue.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
January 21st, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly on Thursday, twentieth instant, passed Assembly Bill No. 102—An Act to create a Bridge Fund in the County of Placer and to authorize a tax therefor.

Also, Assembly Bill No. 163—An Act to repeal an Act entitled an Act concerning hogs running at large in the Counties of Colusa, Tehama, Butte, Sonoma and Napa, approved March twenty-sixth, eighteen hundred and fifty-seven, so far as said Act applies to the Counties of Colusa and Tehama.

Also, Assembly Bill No. 77—An Act to encourage the destruction of gophers and squirrels in certain counties and to provide for a bounty for the same.

And on this day passed Assembly Concurrent Resolution No. 22—Relative to visiting certain grounds in the vicinity of Marysville by Committees on State Hospitals.

Also, passed Senate Bill No. 127—An Act to authorize the Assessor of the City and County of San Francisco to appoint deputies.

Also, concurred in Senate amendments to Assembly Bill No. 158—An Act in relation the assessment of property in Tuolumne County in the year eighteen hundred and sixty-nine.

**CRAWFORD,**  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 102, above reported, read first and second times and referred to the Placer delegation.

Assembly Bill No. 163, above reported, read first and second times and referred to the delegations from Tehama and Colusa.

Assembly Bill No. 77, above reported, read first and second times and referred to the Committee on Agriculture.

Assembly Concurrent Resolution No. 22, above reported, read first and second times and concurred in by the Senate.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
January 22d, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly on yesterday passed Assembly Concurrent Resolution No 23—Relative to printing Central Pacific Railroad reports.

CRAWFORD,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution No 23, above reported, read first and second times and concurred in by the Senate.

## INTRODUCTION OF BILLS.

By Mr. Lewis—An Act to authorize K. Powell, H. Kraft and their associates, to construct and maintain a wagon road from the Bell mills to a point near the Antelope mills, and to collect toll for travel thereon

Read first and second times and referred to the Judiciary Committee.

By Mr. Mandeville—An Act authorizing John C. Murphy and his assigns to construct and maintain a toll road in Mono County.

Read first and second times and referred to the Judiciary Committee.

By Mr. Hager—An Act to provide for the improvement of public parks in the City of San Francisco.

Read first and second times and referred to the Judiciary Committee, and ordered printed.

By Mr. Saunders—An Act to ratify and confirm certain orders, ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Minis—An Act to authorize Robert J. White, and his associates, successors and assigns, to build and maintain a wharf at the City of Vallejo, in the County of Solano.

Read first and second times and referred to the Committee on Commerce and Navigation.

## MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Farley gave notice that he would, at an early day, introduce a bill to authorize the Board of Supervisors of the County of Amador to levy an additional tax for county expenditures in said county.

By Mr. Pendegast:

WHEREAS, Cheap, free and reliable telegraphic communication is one of the greatest needs of the people of the United States, and especially of the people of the Pacific coast, separated as they are from the rest of the country by so great a distance; and whereas, the oppressions and extortions of private companies have demonstrated the necessity of making the telegraph a part of the postal system; therefore, be it

*Resolved* by the Senate of the State of California, the Assembly concurring, That our Senators in Congress are hereby instructed, and our Representatives requested, to use all efforts for the adoption of such measures as will enable the Post-office Department of the United States to receive and send telegraphic messages in like manner and at as low rates proportionally as letters are now received and sent.

Referred to the Committee on Federal Relations.

By Mr. McDougall :

*Resolved*, That the Senators composing the Committee on State Hospitals have indefinite leave of absence for the purpose of visiting the State Lunatic Asylum and other institutions.

Adopted.

By Mr. Burnett :

*Resolved*, That the assistant or assistants appointed by the Enrolling Clerk shall receive the same per diem as the Enrolling Clerk, payable out of the Contingent Fund of the Senate.

Referred to the Committee on Contingent Expenses.

By Mr. Tompkins :

*Resolved*, That when the Senate adjourns, it adjourns to Monday next, at two o'clock and thirty minutes P. M.

Adopted.

By Mr. Pendegast :

*Resolved*, That Senators Lewis and Conly be added to the special committee on the location of the State Normal School.

On the motion to lay the resolution on the table, the ayes and noes were demanded by Messrs Fowler, Wilson and Mandeville, and the Senate refused, by the following vote :

**AYES**—Messrs. Banvard, Beach, Chappell, Conn, Curtis, Fowler, Irwin, Kincaid, Lawrence, Mandeville, McDougall, Murch, Wilson and Wing—14.

**NOES**—Messrs. Betge, Burnett, Farley, Gwin, Hager, Hunter, Hutchings, Larkin, Minis, Morrill, O'Connor, Orr, Pendegast, Perkins, Roberts, Saunders, Tompkins, Turner, Tweed and Wand—20.

Mr. Pendegast offered the following as a substitute for the resolution :

*Resolved*, That the President of the Senate be authorized to appoint two additional members of the special committee on the location of the State Normal School.

Read and ordered on file.

By Mr. Farley :

*Resolved* by the Senate, the Assembly concurring, That the two Houses meet in joint convention in the Assembly Chamber, at twelve o'clock M.

on Tuesday, January twenty-fifth, for the purpose of electing four Trustees of the State Library, to fill the vacancies which will occur by the expiration of the terms of Joseph W. Winans, H. W. Harkness, C. G. W. French and W. C. Belcher.

Adopted, and rules suspended and resolution ordered to be transmitted immediately to the Assembly.

On motion of Mr. Orr, the rules were suspended, and the Senate took up Senate Bill No. 123, heretofore reported by the Committee on Corporations.

Amendment of committee adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

The rules were further suspended, and bill ordered transmitted immediately to the Assembly.

By Mr. Lawrence :

*Resolved*, That S. J. Lynn be and is hereby appointed Assistant Copying Clerk, to act as such during the indisposition of George M. Norton, at the same per diem as allowed Copying Clerk, payable out of the Contingent Fund of the Senate.

Upon the suspension of the rules for the consideration of the resolution, the ayes and noes were demanded by Messrs. Hager, Betge and Hunter, and the Senate refused, by the following vote :

**AYES**—Messrs. Banvard, Beach, Betge, Chappell, Conn, Gwin, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Minis, O'Connor, Tompkins, Tweed, Wand and Wing—17.

**NOES**—Messrs. Burnett, Curtis, Fowler, Hager, Hunter, Irwin, Larkin, Murch, Pendegast, Turner and Wilson—11.

By Mr. O'Connor :

*Resolved*, That William Smith be and he is hereby appointed to copy the Appendices of the Senate for the eighteenth session of the Legislature, at ten cents per folio of one hundred words; and before he shall receive any pay therefor, that the same be submitted to a proper committee, whose duty it shall be to examine the same as to number of folios written by him, and the correctness of the same.

Referred to the Committee on Contingent Expenses.

#### PETITION.

Mr. Minis presented a petition from citizens of the City of Vallejo, requesting the passage of a bill relative to granting Thomas Davidson the right to maintain a steam ferry from South Vallejo to Mare Island.

Referred to the Committee on Commerce and Navigation.

#### GENERAL FILE.

Senate Bill No. 44—An Act relating to certificates of incorporation. Amendments of committee adopted and bill ordered engrossed.

Senate Bill No. 227, reported by the Judiciary Committee, and substituted for Assembly Bill No. 2 and Senate Bill No. 95—An Act amendatory of and supplementary to an Act entitled an Act to organize and regulate the Justices' Court in the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and sixty-six.

Read first and second times.

Mr. Roberts offered the following amendment :

Amend by adding a new section, as follows : Section —. Sections eight, nine, ten and twelve of this Act shall not take effect until after the expiration of the term of office of the Constables now holding such offices in said City and County of San Francisco.

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Murch, Beach and Roberts, and the Senate refused, by the following vote :

**AYES**—Messrs. Banvard, Beach, Chappell, Murch, Perkins, Roberts, Tweed and Wing—8.

**NOES**—Messrs. Betge, Burnett, Conn, Curtis, Farley, Fowler, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Mandeville, O'Connor, Pendegast, Saunders, Wand and Wilson—20.

The bill was then ordered engrossed.

At one o'clock and thirty minutes P. M., on motion of Mr. Lewis, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest : JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Monday, January 24th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

Leave of absence was granted to Mr. Wing for two days, and indefinite leave of absence to Mr. Tweed.

## PETITION.

Mr. Hager presented a protest from citizens of the City of San Francisco, against the passage of a bill now before the Legislature, relative to donating to the Society of California Pioneers the use of a certain piece of land in said city.

Read and referred to the San Francisco delegation.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 44—An Act relating to certificates of incorporation.

O'CONNOR, Chairman.

Mr. Morrill, from the Committee on Enrolment, made the following report :

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 122—An Act to raise a fund for the improvement of Napa City, and this day, at twelve o'clock M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 208—An Act to empower the Trustees of Sonoma School District, in Sonoma County, to borrow money and provide for its payment.

And on the twenty-second day of January, eighteen hundred and seventy, at twelve o'clock M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. Banvard, from the Committee on Finance, made the following report :

Mr. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 48—An Act for the relief and support of the California Labor and Employment Exchange—would respectfully report that they have had the same under consideration, and the majority of said committee recommend that said Act do not pass.

BANVARD, Chairman.

Mr. Perkins, from the same committee, presented the following minority report :

Mr. PRESIDENT: The undersigned, a minority of the Finance Committee, to whom was referred Senate Bill No. 48—An Act for the relief and support of the California Labor and Employment Exchange—beg leave to submit the following minority report. Although agreeing with the majority of the committee that the sum asked, one thousand dollars per month, should not be appropriated, would respectfully make the following report: That in view of the fact that the memorial to the Legislature for aid was indorsed by the leading taxpayers of San Francisco, and believing from the evidence before your committee that the Labor Exchange of San Francisco is not only of incalculable benefit to that city, but the State at large, inasmuch as it is the medium to assist in furnishing employment to those who may desire, from any part of the State, free of charge—would respectfully report that, in his opinion, the

sum of five hundred dollars per month for the term of two years (or for a less period, if the society discontinues its mission), should be appropriated out of any moneys in the General Fund of the treasury not otherwise appropriated.

PERKINS.

Mr. Maclay, from the Committee on Education, made the following report:

MR. PRESIDENT: The Committee on Education, to whom was referred Senate Bill No. 58—An Act to amend an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight—have had the same under consideration, and report the same back with a substitute.

MACLAY, Chairman.

Mr. Conn, from the San Diego delegation, made the following report:

MR. PRESIDENT: The delegation from San Diego, to whom was referred Assembly Bill No. 65—An Act to amend an Act entitled an Act respecting the Trustees of San Diego, approved April twenty-eighth, eighteen hundred and fifty-two—having duly considered the bill, report the same back and recommend its passage.

CONN, for Delegation.

Assembly Bill No. 65, above reported by the San Diego delegation, was referred to the Committee on Corporations.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
January 22d, 1870. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on Thursday, the twentieth instant, passed Assembly Bill No. 147—An Act to authorize Morton Bourn to construct and maintain a wharf and chute at Bourn's Landing, on the Pacific Ocean, in Mendocino County.

Also, Assembly Bill No. 106—An Act to amend section one of an Act entitled an Act to fix the amount of official bonds of county officers in and for the Counties of Klamath and Del Norte, approved March twenty-sixth, eighteen hundred and sixty-eight.

Also, Assembly Bill No. 123—An Act for the relief of James S. Houseman.

Also, Assembly Bill No. 44—An Act concerning roads and highways in the County of Humboldt.

FERRAL,  
Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 147, above reported, read first and second times and referred to the Committee on Commerce and Navigation.



Assembly Bill No. 106, above reported, read first and second times and referred to the Committee on State and County Revenue.

Assembly Bill No. 123, above reported, read first and second times and referred to the Committee on Claims.

Assembly Bill No. 44, above reported, read first and second times and referred to the Committee on Roads and Highways.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
January 24th, 1870. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on Friday, the twenty-first instant, passed Senate Bill No. 4—An Act amendatory of and supplementary to an Act entitled an Act to prohibit barbarous and noisy amusements on the Christian Sabbath, approved March sixteenth, eighteen hundred and sixty-five.

CRAWFORD,  
Assistant Clerk.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Kincaid—An Act to authorize and require the County of Santa Cruz to pay over certain school moneys to certain school districts in San Mateo County.

Read first and second times and referred to the Committee on Education.

By Mr. Pendegast—An Act to provide for the settlement of statement on appeals and on motion to set aside reports of Commissioners in certain cases.

Read first and second times and referred to the Judiciary Committee.

By Mr. Conn—An Act to amend an Act entitled an Act to create the Seventeenth Judicial District, approved March nineteenth, eighteen hundred and sixty-eight.

Read first and second times and referred to the Judiciary Committee.

By Mr. O'Connor—An Act for the relief of Thomas F. Davenport, late County Collector of Nevada County.

Read first and second times and, with accompanying affidavit, referred to the Committee on Claims.

By Mr. Fowler—An Act to create a Board of Commissioners to define the senatorial and assembly districts of this State, and to apportion the representation thereof.

Read first and second times and referred to the Judiciary Committee, and ordered printed.

By Mr. Minis—An Act to enable the California Pacific Railroad, and others, to come into the City of Sacramento, and other matters relating thereto.

Read first and second times and referred to the Committee on Corporations, and ordered printed.

#### MOTIONS AND RESOLUTIONS.

By Mr. Kincaid :

*Resolved*, That in accordance with the report of the Committee on Mileage, adopted on the twenty-first instant, the Controller of State be instructed to draw his warrants in favor of Messrs. Lewis, Saunders, Betge, Maclay and Green, for the sum of fifty-two dollars each, for mileage in going to and returning from the State Prison, payable out of the Contingent Fund of the Senate.

Adopted.

By Mr. Green :

*Resolved*, That the Sergeant-at-Arms of the Senate be instructed to maintain fires in the Senate Chamber at night as well as in the daytime, and to keep the chamber lighted until ten o'clock p. m.

Adopted.

By Mr. Kincaid :

*Resolved*, That Frank P. Kelly be and he is hereby appointed to copy the Appendices of the Senate for the eighteenth session of the Legislature, at seven and one-half ( $7\frac{1}{2}$ ) cents per folio; and when completed, the said Frank P. Kelly shall deliver the work done to the Controller of State, who shall compute and audit the same, and draw his warrant in favor of said Frank P. Kelly, for the amount found to be due, payable out of the Contingent Fund of the Senate.

Referred to the Committee on Contingent Expenses.

[President pro tem., Mr. Lewis, in the chair.]

#### GENERAL FILE.

Senate Bill No. 89—An Act supplementary to an Act entitled an Act concerning assessments upon the stock or corporations, approved March twenty-sixth, eighteen hundred and sixty-six.

Ordered engrossed.

Senate Bill No. 50—An Act to provide for the appointment of a Commissioner to visit the Eastern insane asylums, and to define his powers and duties.

Amendments of committee adopted.

On motion of Mr. Irwin, section four of said bill was stricken out.

The bill was then ordered engrossed.

Assembly Bill No. 6—An Act amendatory of and supplementary to an Act to incorporate the Town of Santa Cruz, approved March thirty-first, eighteen hundred and sixty-six.

Read a third time and passed.

Assembly Bill No. 58—Substitute for an Act to repeal an Act entitled an Act to authorize the Supervisors of Humboldt County to levy a special tax for certain purposes and to provide for the collection of the same.

Bill read a third time and passed.

Assembly Bill No. 17—An Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public and defining their duties.

Read a third time and passed.

Assembly Bill No. 180—An Act to authorize the County Treasurer of San Bernardino County to transfer certain funds.

Read a third time and passed.

Senate resolution, relative to appointing two additional members of the special committee on location of the State Normal School.

Withdrawn.

#### REPORT.

Mr. Morrill, from the Committee on Enrolment, made the following report:

Mr. PRESIDENT: The Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 9—An Act authorizing and directing the conversion of certain legal tender notes in the State treasury into gold coin.

Also, Senate Bill No. 127—An Act to authorize the Assessor of the City and County of San Francisco to appoint deputies.

And this day, at two o'clock and forty-five minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

At three o'clock and fifty minutes P. M., on motion of Mr. Conn, the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,

Tuesday, January 25th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

#### REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 123—An Act to reincorporate the City of Stockton, and amendatory of an Act entitled an Act to reincorporate the City of Stockton, approved April twenty-first, eighteen hundred and sixty-two.

O'CONNOR, Chairman.

Mr. Morrill, from the Committee on Enrolment, made the following report:

**Mr. PRESIDENT:** Your Committee on Enrolment respectfully report that they have examined and found correctly enrolled substitute for Senate Bill No. 4—An Act amendatory of and supplementary to an Act entitled an Act to prohibit barbarous and noisy amusements on the Christian Sabbath, approved March sixteenth, eighteen hundred and fifty-five.

And this day, at eleven o'clock A. M., presented the same to the Governor for his approval.

**MORRILL, Chairman.**

**Mr. Banvard, from the Finance Committee, made the following reports:**

**Mr. PRESIDENT:** Your Committee on Finance, to whom was referred Senate Bill No. 219—An Act making an appropriation for deficiencies for the twenty-first fiscal year, ending the thirtieth day of June, eighteen hundred and seventy—would respectfully report that they have had the same under consideration and unanimously recommend the passage of the same.

**BANVARD, Chairman.**

**Mr. PRESIDENT:** Your committee, to whom was referred Senate Bill No. 201—An Act making appropriations for payment of claims for furniture, carpets, etc., purchased by the Secretary of State for furnishing the new State Capitol, and for furnishing Supreme Court room, Supreme Judges' rooms, etc.—have considered the same, and, referring it back, recommend its passage.

**BANVARD, Chairman.**

**Mr. PRESIDENT:** Your committee having had under consideration Senate Bill No. 176—An Act to provide compensation for the revision of the laws—respectfully report: That in the judgment of your committee the compensation provided for in said bill is just, but that the Committee on Claims is the proper one to pass upon the same, and recommend that the same be referred to said committee.

**BANVARD, Chairman.**

**Mr. Mandeville moved to suspend the rules and consider Senate Bill No. 176, above reported by the Finance Committee.**

**Lost.**

**Mr. Mandeville moved to refer the bill to the Committee on Claims.**

**Lost.**

**On motion of Mr. Curtis, the bill was referred to the Judiciary Committee.**

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
January 24th, 1870. }

**Mr. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 123—An Act to reincorporate the City of Stockton, and amendatory of an Act entitled an Act to reincorporate the City of Stockton, approved April twenty-first, eighteen hundred and sixty-two.

Also, concurred in Senate Concurrent Resolution No. 20—Relative to a joint convention.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
January 25th, 1870. }

MR. PRESIDENT: I am directed to inform your honorable body, that the Assembly, on yesterday, passed Assembly Bill No. 141—An Act to authorize the Board of Supervisors of Mono County to transfer moneys from one fund to another.

Also, Assembly Bill No. 38—An Act providing for a preliminary survey of the harbor of Santa Cruz and Salinas Slough, in Monterey Bay.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 141, above reported, read first and second times and referred to the Committee on State and County Revenue.

Assembly Bill No. 38, above reported, read first and second times and referred to the Committee on Commerce and Navigation.

#### INTRODUCTION OF BILLS.

By Mr. Perkins—An Act to repeal an Act entitled an Act to authorize and require the Board of Supervisors of Butte County to levy a tax for the support of common schools in said county, and to abolish taxation by school districts for like purposes.

Read first and second times and referred to the Committee on Education.

By Mr. Wilson—An Act to amend an Act, approved March twenty-fourth, eighteen hundred and sixty-four, entitled an Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

Read first and second times and referred to the Judiciary Committee.

By Mr. Saunders—An Act to provide funds for the School Department of the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Larkin—An Act making appropriations for deficiencies in the appropriations for the twenty-first fiscal year.

Read first and second times and referred to the Finance Committee.

By Mr. Beach—An Act amendatory of and supplementary to an Act entitled an Act concerning the government of the City of Marysville, approved March fifth, eighteen hundred and sixty-two.

Read first and second times and referred to the Yuba delegation.

#### GENERAL FILE.

Senate Bill No. 44—An Act in relation to certificates of incorporations.

Read a third time and passed.

Senate Bill No. 53—An Act to amend an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight.

Substitute reported by Committee on Education adopted.

Substitute read and ordered engrossed.

Senate Bill No. 48—An Act for the relief and support of the California Labor and Employment Exchange.

Ordered on the top-of file for Thursday next.

At eleven o'clock and forty minutes A. M., on motion of Mr. Maclay, the Senate took a recess until twelve o'clock M.

#### REASSEMBLED.

At twelve o'clock M., the Senate reassembled.

President in the chair.

Roll called.

Quorum present.

Indefinite leave of absence was granted to Mr. Gwin, and to Mr. Pen-degast for three days.

On motion, the Senate proceeded to meet the Assembly in joint convention, for the purpose of electing four Trustees of the State Library.

#### IN JOINT CONVENTION.

The following are the proceedings in joint convention for the purpose of electing four Trustees of the State Library, to fill vacancies which will occur by the expiration of the terms of Joseph W. Winans, H. W. Harkness, C. G. W. French and W. C. Belcher.

The hour of twelve o'clock M. having arrived, the joint convention was called to order by the President of the Senate, in conjunction with the Speaker of the House.

The rolls of the Senate and Assembly were then called by the Secretary of the Senate and the Chief Clerk of the House, and the following Senators and Assemblymen responded :

Senators—Messrs. Banvard, Beach, Betge, Chappell, Comte, Conn, Farley, Fowler, Green, Hager, Hutchings, Irwin, Kincaid, Lawrence, Lewis, Maclay, Mandeville, Minis, Morrill, Murch, O'Connor, Perkins, Roberts, Saunders, Tompkins, Turner and Wilson.

Assemblymen—Messrs. Andrews, Berry, Biggs, Blankenship, Brown of Amador, Brown of Yuba, Calderwood, Coronel, Crigler, De Haven, Duffy, Escandon, Finney, Fortune, Freeman, Gildea, Green, Haile, Hawley, G. R. B. Hayes, M. Hayes, Henley of Mendocino, Henley of Sonoma, Horan, Hubner, Hudson, Inman, Johnson, Kelley, King, Koutz, Lambert, Lewelling, Martin of Butte, Martin of Siskiyou, McClaskey, McMillan, McMurry of El Dorado, McMurry of Trinity, Merritt, Miller of El Dorado, Miller of Marin, Mooney, Munday, Murphy of Del Norte and Klamath, Naphtaly, Oates, O'Connell, Odell, Pool, Power, Rockwell, Romer, Ryan, Sammons, Satterwhite, Scarce, Shoemaker, Shores, Stephens, Walden, Waldron, Williams, York and Mr. Speaker.

The President of the Senate directed Senate Concurrent Resolution No. 20 to be read, as follows :

*Resolved by the Senate, the Assembly concurring, That the two Houses*

meet in joint convention in the Assembly Chamber, at twelve o'clock M., on Tuesday, January twenty-fifth, for the purpose of electing four Trustees of the State Library, to fill the vacancies which will occur by the expiration of the terms of Joseph W. Winans, H. W. Harkness, C. G. W. French and W. C. Belcher.

On motion of Mr. Mandeville, the convention did then proceed to elect four Trustees of the State Library.

Nominations being in order, Mr. Farley placed in nomination J. W. Coffroth, J. R. McConnell, J. C. Goods and John W. Armstrong.

Mr. Roberts placed in nomination Joseph W. Winans, H. W. Harkness, W. C. Belcher and C. G. W. French.

The rolls were then called, with the following result :

| SENATORS.       | Coffroth..... | McConnell.. | Armstrong.. | Goods..... | Winans ..... | Harkness .. | Belcher..... | French..... |
|-----------------|---------------|-------------|-------------|------------|--------------|-------------|--------------|-------------|
| Banvard.....    | 1             | 1           | 1           | 1          | .....        | .....       | .....        | .....       |
| Beach.....      | .....         | .....       | .....       | .....      | 1            | 1           | 1            | 1           |
| Betge.....      | 1             | 1           | 1           | 1          | .....        | .....       | .....        | .....       |
| Chappell.....   | .....         | .....       | .....       | .....      | 1            | 1           | 1            | 1           |
| Comte.....      | 1             | 1           | 1           | 1          | .....        | .....       | .....        | .....       |
| Conn.....       | 1             | 1           | 1           | 1          | .....        | .....       | .....        | .....       |
| Farley.....     | 1             | 1           | 1           | 1          | .....        | .....       | .....        | .....       |
| Fowler.....     | 1             | 1           | 1           | 1          | .....        | .....       | .....        | .....       |
| Green.....      | .....         | .....       | .....       | .....      | 1            | 1           | 1            | 1           |
| Hager.....      | 1             | 1           | 1           | 1          | .....        | .....       | .....        | .....       |
| Hutchings.....  | 1             | 1           | 1           | 1          | .....        | .....       | .....        | .....       |
| Irwin.....      | 1             | 1           | 1           | 1          | .....        | .....       | .....        | .....       |
| Kincaid.....    | 1             | 1           | 1           | 1          | .....        | .....       | .....        | .....       |
| Lawrence.....   | 1             | 1           | 1           | 1          | .....        | .....       | .....        | .....       |
| Lewis.....      | 1             | 1           | 1           | 1          | .....        | .....       | .....        | .....       |
| MacLay.....     | 1             | 1           | 1           | 1          | .....        | .....       | .....        | .....       |
| Mandeville..... | 1             | 1           | 1           | 1          | .....        | .....       | .....        | .....       |
| Minis.....      | 1             | 1           | 1           | 1          | .....        | .....       | .....        | .....       |
| Morrill.....    | 1             | 1           | 1           | 1          | .....        | .....       | .....        | .....       |
| Murch.....      | .....         | .....       | .....       | .....      | 1            | 1           | 1            | 1           |
| O'Connor.....   | 1             | 1           | 1           | 1          | .....        | .....       | .....        | .....       |
| Perkins.....    | .....         | .....       | .....       | .....      | 1            | 1           | 1            | 1           |
| Roberts.....    | .....         | .....       | .....       | .....      | 1            | 1           | 1            | 1           |
| Saunders.....   | 1             | 1           | 1           | 1          | .....        | .....       | .....        | .....       |
| Tompkins.....   | 1             | 1           | 1           | 1          | .....        | .....       | .....        | .....       |
| Turner.....     | .....         | .....       | .....       | .....      | 1            | 1           | 1            | 1           |
| Wilson.....     | 1             | 1           | 1           | 1          | .....        | .....       | .....        | .....       |
| Totals.....     | 20            | 20          | 20          | 20         | 7            | 7           | 7            | 7           |

| ASSEMBLYMEN.              | Coffroth.... | McConnell. | Armstrong. | Good..... | Winn..... | Harkness.. | Belcher.... | French..... |
|---------------------------|--------------|------------|------------|-----------|-----------|------------|-------------|-------------|
| Andrews.....              | 1            | 1          | 1          | 1         |           |            |             |             |
| Berry.....                | 1            | 1          | 1          | 1         |           |            |             |             |
| Biggs.....                | 1            | 1          | 1          | 1         |           |            |             |             |
| Blankenship.....          | 1            | 1          | 1          | 1         |           |            |             |             |
| Brown of Amador.....      | 1            | 1          | 1          | 1         |           |            |             |             |
| Brown of Yuba.....        | 1            | 1          | 1          | 1         |           |            |             |             |
| Calderwood.....           |              |            |            |           | 1         | 1          | 1           | 1           |
| Coronel.....              | 1            | 1          | 1          | 1         |           |            |             |             |
| Crigler.....              | 1            | 1          | 1          | 1         |           |            |             |             |
| De Haven.....             |              |            |            |           | 1         | 1          | 1           | 1           |
| Duffy.....                |              |            |            |           | 1         | 1          | 1           | 1           |
| Eacandon.....             | 1            | 1          | 1          | 1         |           |            |             |             |
| Finney.....               |              |            |            |           | 1         | 1          | 1           | 1           |
| Fortune.....              | 1            | 1          | 1          | 1         |           |            |             |             |
| Freeman.....              | 1            | 1          | 1          | 1         |           |            |             |             |
| Gildea.....               | 1            | 1          | 1          | 1         |           |            |             |             |
| Green.....                | 1            | 1          | 1          | 1         |           |            |             |             |
| Haile.....                | 1            | 1          | 1          | 1         |           |            |             |             |
| Hawley.....               | 1            | 1          | 1          | 1         |           |            |             |             |
| Hayes, G. R. B.....       | 1            | 1          | 1          | 1         |           |            |             |             |
| Hayes, M.....             | 1            | 1          | 1          | 1         |           |            |             |             |
| Henley of Mendocino.....  | 1            | 1          | 1          | 1         |           |            |             |             |
| Henley of Sonoma.....     | 1            | 1          | 1          | 1         |           |            |             |             |
| Horan.....                | 1            | 1          | 1          | 1         |           |            |             |             |
| Hubner.....               | 1            | 1          | 1          | 1         |           |            |             |             |
| Hudson.....               | 1            | 1          | 1          | 1         |           |            |             |             |
| Inman.....                | 1            | 1          | 1          | 1         |           |            |             |             |
| Johnson.....              | 1            | 1          | 1          | 1         |           |            |             |             |
| Kelley.....               | 1            | 1          | 1          | 1         |           |            |             |             |
| King.....                 | 1            | 1          | 1          | 1         |           |            |             |             |
| Koutz.....                |              |            |            |           | 1         |            | 1           | 1           |
| Lambert.....              | 1            | 1          | 1          | 1         |           |            |             |             |
| Lowelling.....            |              |            |            |           | 1         | 1          | 1           | 1           |
| Martin of Butte.....      | 1            | 1          | 1          | 1         |           |            |             |             |
| Martin of Siskiyou.....   | 1            | 1          | 1          | 1         |           |            |             |             |
| McClaskey.....            | 1            | 1          | 1          | 1         |           |            |             |             |
| McMillan.....             | 1            | 1          | 1          | 1         |           |            |             |             |
| McMurry of El Dorado..... | 1            | 1          | 1          | 1         |           |            |             |             |
| McMurry of Trinity.....   | 1            | 1          | 1          | 1         |           |            |             |             |
| Merritt.....              | 1            | 1          | 1          | 1         |           |            |             |             |
| Miller of El Dorado.....  | 1            | 1          | 1          | 1         |           |            |             |             |
| Miller of Marin.....      | 1            | 1          | 1          | 1         |           |            |             |             |
| Mooney.....               | 1            | 1          | 1          | 1         |           |            |             |             |
| Moynihan.....             | 1            | 1          | 1          | 1         |           |            |             |             |
| Munday.....               | 1            | 1          | 1          | 1         |           |            |             |             |
| Murphy of Del Norte.....  | 1            | 1          | 1          | 1         |           |            |             |             |
| Naphtaly.....             | 1            | 1          | 1          | 1         |           |            |             |             |
| Oates.....                | 1            | 1          | 1          | 1         |           |            |             |             |



| ASSEMBLYMEN.      | Coffroth.... | McConnell. | Armstrong. | Goods..... | Winans .... | Harkness.. | Belcher .... | French ..... |
|-------------------|--------------|------------|------------|------------|-------------|------------|--------------|--------------|
| O'Connell ... ..  | 1            | 1          | 1          | 1          | .....       | .....      | .....        | .....        |
| Odell.....        | 1            | 1          | 1          | 1          | .....       | .....      | .....        | .....        |
| Pool.....         | 1            | 1          | 1          | 1          | .....       | .....      | .....        | .....        |
| Power.....        | .....        | .....      | .....      | .....      | 1           | 1          | 1            | 1            |
| Rockwell.....     | 1            | 1          | 1          | 1          | .....       | .....      | .....        | .....        |
| Rogers.....       | 1            | 1          | 1          | 1          | .....       | .....      | .....        | .....        |
| Romer .....       | 1            | 1          | 1          | 1          | .....       | .....      | .....        | .....        |
| Ryan .....        | 1            | 1          | 1          | 1          | .....       | .....      | .....        | .....        |
| Sammons .....     | .....        | .....      | .....      | .....      | 1           | 1          | 1            | 1            |
| Satterwhite ..... | 1            | 1          | 1          | 1          | .....       | .....      | .....        | .....        |
| Scarce .....      | 1            | 1          | 1          | 1          | .....       | .....      | .....        | .....        |
| Shoemaker.....    | 1            | 1          | 1          | 1          | .....       | .....      | .....        | .....        |
| Shores.....       | 1            | 1          | 1          | 1          | .....       | .....      | .....        | .....        |
| Stephens .....    | 1            | 1          | 1          | 1          | .....       | .....      | .....        | .....        |
| Walden .....      | 1            | 1          | 1          | 1          | .....       | .....      | .....        | .....        |
| Waldron.....      | .....        | .....      | .....      | .....      | 1           | 1          | 1            | 1            |
| Williams .....    | .....        | .....      | .....      | .....      | 1           | 1          | 1            | 1            |
| York.....         | .....        | .....      | .....      | .....      | 1           | 1          | 1            | 1            |
| Totals .....      | 55           | 55         | 55         | 55         | 11          | 11         | 11           | 11           |

|                                 |    |
|---------------------------------|----|
| Whole number of votes cast..... | 93 |
| Necessary to a choice.....      | 47 |
| J. W. Coffroth received.....    | 75 |
| J. R. McConnell received.....   | 75 |
| J. W. Armstrong received .....  | 75 |
| J. C. Goods received.....       | 75 |
| J. W. Winans received.....      | 18 |
| H. W. Harkness received.....    | 18 |
| C. G. W. French received.....   | 18 |
| W. C. Belcher received.....     | 18 |

Whereupon, the President announced that J. W. Coffroth, J. R. McConnell, J. W. Armstrong and J. C. Goods, having received a majority of all the votes cast, a majority of all the members elected to both Houses being present and voting, were duly elected Trustees of the State Library, to serve for the term of four years from the twenty-eighth day of February next.

Minutes of the joint convention were read and approved.

On motion of Mr. Lawrence, at twelve o'clock and forty-five minutes P. M., the joint convention adjourned.

#### IN SENATE.

The Senate again convened at one o'clock P. M.

President in the chair.

Roll called.

Quorum present.

Mr. Lewis moved a call of the Senate.

Carried.

Mr. Larkin appeared at the bar of the Senate, and, on motion of Mr. Curtis, was admitted.

On motion of Mr. Curtis, the further proceedings under the call were dispensed with.

#### SPECIAL ORDER.

Governor's message transmitting Fifteenth Amendment; also, resolutions introduced by Senator Hager.

On motion of Mr. Irwin, the further consideration of the special order at this time was postponed, and the same made the special order for Thursday, January twenty-seventh, at twelve o'clock M.

On motion of Mr. Lewis, at one o'clock and ten minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

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#### IN SENATE.

SENATE CHAMBER,  
Wednesday, January 26th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Roberts was granted leave of absence for one day.

#### REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 50—An Act to provide for the appointment of a Commissioner to visit the Eastern insane asylums, and to define his powers and duties.

Also, substitute for Senate Bill No. 53—An Act to repeal an Act entitled an Act to authorize the sale and conveyance to the San Mateo Tanning and Manufacturing Company certain overflowed lands in the County of San Mateo, approved March thirtieth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 89—An Act supplementary to an Act entitled an Act concerning assessments upon the stocks of corporations, approved March twenty-sixth, eighteen hundred and sixty-six.

Also, Senate Bill No. 227—An Act amendatory of and supplementary

to an Act entitled an Act to organize and regulate the Justices' Court in the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and sixty-six.

O'CONNOR, Chairman.

Mr. Betge, from the Committee on Commerce and Navigation, made the following report :

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Assembly Concurrent Resolution No. 8—Relative to the building of a breakwater at Crescent City—report the same back and recommend its passage.

BETGE, Chairman.

Mr. Curtis, from the Committee on Claims, made the following report :

MR. PRESIDENT: The Committee on Claims have had under consideration Senate Bill No. 180—An Act for the relief of S. D. Smith—and report the same back and recommend its passage.

CURTIS, Chairman.

Mr. Larkin, from the Committee on State and County Revenue, made the following report :

MR. PRESIDENT: Your Committee on State and County Revenue have had under consideration Assembly Bills Nos. 82, 141 and 106, and would report the same back and recommend their passage.

LARKIN, Chairman.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 25th, 1870.

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate Bill No. 49—An Act to amend an Act entitled an Act to amend an Act entitled an Act to revise and amend an Act entitled an Act to incorporate the Town of Grass Valley, approved March twenty-fourth, eighteen hundred and sixty-six.

Also, Senate Bill No. 122—An Act to raise a fund for the improvement of Napa City.

Also, Senate Bill No. 208—An Act to empower the Board of Trustees of Sonoma School District, in Sonoma County, to borrow money and provide for its payment.

Also, Senate Bill No. 127—An Act to authorize the Assessor of the City and County of San Francisco to appoint deputies.

Also, Senate Bill No. 9—An Act authorizing and directing the conversion of certain legal tender notes in the State treasury into gold coin.

H. H. HAIGHT,  
Governor.

## INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Hager—An Act granting certain privileges to the North Beach and Mission Railroad Company.

Read first and second times and referred to the San Francisco delegation.

Also, an Act granting to the North Beach and Mission Railroad Company certain rights therein named.

Read first and second times and referred to the San Francisco delegation.

Also, an Act supplementary to an Act entitled an Act defining the time for commencing civil actions, approved April twenty-second, eighteen hundred and fifty.

Read first and second times and referred to the Judiciary Committee.

By Mr. Wilson—An Act to empower the Counties of Stanislaus, Merced, Fresno, Tulare and Kern to aid in the construction of a railroad in said counties.

Read first and second times and referred to the Committee on Corporations, and ordered printed.

By Mr. Perkins—An Act to transfer certain funds to the Common School Fund of the County of Butte.

Read first and second times and referred to the Committee on Education.

By Mr. Maclay—An Act to empower the City and County of San Francisco and Counties of Monterey and San Luis Obispo to aid in the construction of the Southern Pacific Railroad.

Read first and second times and referred to the Committee on Corporations, and ordered printed.

By Mr. Irwin—An Act to authorize the Board of Supervisors of the County of Siskiyou to transfer moneys from a certain fund to certain other funds.

Read first and second times; rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Mandeville—An Act to legalize certain county warrants in the County of Tuolumne.

Read first and second times and referred to the Judiciary Committee.

By Mr. Tompkins—An Act to authorize the formation of corporations to provide the members thereof with homesteads or lots of land suitable for homesteads.

Read first and second times and referred to the Committee on Corporations, and ordered printed.

By Mr. Morrill—An Act to provide for the payment of certain salaries in the County of Calaveras.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Morrill—An Act for the relief of Gordon E. Sloss.

Read first and second times and referred to the Committee on Claims.

By Mr. Comte—An Act to authorize Eliza Madison Hartley, administratrix of the estate of Henry Hare Hartley, deceased, to sell real property belonging to said estate.

Read first and second times and, with accompanying petition, referred to the Judiciary Committee.

By Mr. Mandeville—An Act to provide for the payment of certain unredeemed State indebtedness.

Read first and second times and referred to the Committee on Claims.

#### RESOLUTIONS AND NOTICES.

Mr. Lewis gave notice that he would, at an early day, introduce a bill to amend an Act dividing the State of California into congressional districts.

By Mr. Wilson :

*Resolved* by the Senate, the Assembly concurring, That leave of absence be and hereby is granted to James F. Burns, Sheriff and Sheriff elect of the County of Los Angeles, to depart from this State at such time during the present year as he may elect, for a period not exceeding three months ; *provided*, he shall leave a competent Under Sheriff in charge of his office during such absence.

Adopted.

#### GENERAL FILE.

Senate Bill No. 201—An Act making appropriations for payment of claims for furniture, carpets, etc., purchased by the Secretary of State for furnishing the new State Capitol and for furnishing Supreme Court rooms.

Ordered engrossed.

Senate Bill No. 219—An Act making appropriations for deficiencies for the twenty-first fiscal year, ending the thirtieth day of June, eighteen hundred and seventy.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate resolution, relative to appointing S. J. Lynn Assistant Copying Clerk.

Read and referred to the Committee on Contingent Expenses.

At eleven o'clock and thirty minutes A. M., the Senate, by unanimous consent, discharged the order making Senate Bill No. 181 the special order for one o'clock P. M., and took the same up at this time.

#### REPORT.

Mr. Tompkins, from the Judiciary Committee, made the following minority report :

MR. PRESIDENT : The undersigned, members of the Judiciary Committee of the Senate, to whom was referred the resolution to expunge from the Journal the judgment of the Senate, entered against James H. Hardy, on the fourteenth day of May, eighteen hundred and sixty-two, being unable to concur in the report made to the Senate by the majority of said committee, beg leave to submit the following minority report :

The resolutions referred to the committee recite the article upon which said James H. Hardy was convicted, and the specifications thereunder. The evidence to sustain said specifications has not been submitted to the committee, nor has any attempt been made to show, in any legal manner, that it was not sufficient to support the charges therein

made. It is therefore a legal presumption that the specifications were proven, and the arguments addressed to the committee on behalf of Judge Hardy have proceeded upon the idea that the specifications do not impute a crime of which he could be convicted, not that in themselves they were not true. It becomes necessary, therefore, to briefly state the facts of the case.

During the year preceding the trial of Judge Hardy, a rebellion, the most formidable ever known on earth, had prevailed in the Southern States of the American Union. Large bodies of men were in arms against the Government, with the purpose of subverting and overthrowing it, and in many of the States not engaged in the rebellion, the public peace was endangered and the administration of the laws attended with embarrassment and difficulty. Such was, to some extent, the case in California, and Judge Hardy, during that time, was the Judge of the Sixteenth Judicial District of the State. As such, he had sworn to support the Constitution of the United States, and it was his duty everywhere to enforce the laws, and by precept and example to encourage respect for and submission to them. We find, by the specifications, that he forgot the duties imposed upon him by his high position and his official oath, and in public places, and under circumstances calculated to weaken the administration of the laws, declared, that "as to the Constitution there is none—it has gone to hell"—that the flag of the Union was "an old woman's rag and ought to be torn down"—that he said of himself, "I am a rebel and I don't care a damn who knows it"—that he publicly drank toasts to the health of Jefferson Davis and the perpetuation of the Southern Confederacy, and declared "that he was a secessionist, and that if a foreigner should come before him, holding the same sentiments that he, the said Hardy, entertained as a man towards the Constitution and Government of the United States, and applied for citizenship, he, the said Hardy, as a Judge, would not admit him to citizenship."

Judge Hardy was found guilty and removed from office. He acquiesced in the decision without making any effort to test its legality, and for a period of more than seven years it has remained unquestioned upon the records of the Court.

The Senate is now asked, in its legislative capacity, to go back to the records of the "High Court of Impeachment," and to deface and obliterate the record there made.

The majority of the committee have reported a bill as a substitute for the resolutions referred to them. We do not understand that the aspect of the case is changed thereby.

The undersigned recommend that said bill do not pass, for the following reasons:

The judgment was rendered by the Court for the trial of impeachments, and not by either branch of the Legislature. That Court was organized under the Constitution and in obedience to law; and if the Legislature can expunge one of its decisions or cancel one of its records, it can expunge all decisions and cancel all records of every Court in the State. The fact that Senators can, in the cases provided by law, become Judges of that Court, in no degree clothes them with power to act as such when not sitting as such Court. No member of this Senate has ever been sworn as such Judge, and no Judge has a right to act until he has taken the oath of office. The Senate has no power over the records of the Court, and to attempt to exercise such power

without legal right would be to weaken all respect for law and to throw discredit upon its administration in our State.

It would be to declare to the people of the State, as the opinion of this Legislature, that for a Judge sworn to uphold the Constitution to publicly denounce and deride that Constitution, and to declare himself an enemy to the Government whose laws he was professing to execute, did not disqualify him for his high position or justify his expulsion from the bench.

It puts the objection to the decision upon the ground that it "was influenced by a spirit of partisan feeling," and relies entirely upon "partisan feeling" for the passage of the bill.

It furnishes the example and holds out the inducement to the next Legislature whose "partisan feeling" shall be differently directed, to expunge the expunging act and to reverse the reversal that is now sought to be placed upon the record, and thus to render the decisions of our highest tribunal the shuttlecock to be thrown back and forth by the fluctuating fortunes of political strife.

It assumes to reverse a judgment, without having before it, or in any manner examining the evidence upon which it was rendered.

It revives old animosities, and calls back old issues, now passing away, and that the highest public good requires should be undisturbed and forgotten.

It defaces and obliterates a record which, by the criminal law, is an offence punishable by fine and imprisonment in the State Prison, and thus undertakes to throw the sanction of law around a gross violation of law, that if committed by a private citizen, might consign him to the penitentiary for ten years. Ought not those who order, aid or abet a crime to share in the punishment that follows its commission?

The undersigned have endeavored to consider these questions in their legal aspect, with no feelings towards Judge Hardy but those of personal kindness and good will. They are unable to learn that the judgment complained of has inflicted any political or other disability upon him, or that it in any degree interferes with his success in the very large professional practice that he has built up since that judgment was rendered.

Because the Legislature has no jurisdiction over the decrees of any Court, and if it have, that it would not be expedient to exercise it, that respect for law would be diminished and partisan feeling deepened and intensified, that no end of public justice is to be promoted, but that it involves the violation of the criminal code, the undersigned respectfully recommend the rejection of the bill reported by the majority of the Judiciary Committee.

TOMPKINS.

#### SPECIAL ORDER.

Senate Bill No. 181—An Act to expunge from the Journal the judgment of the Senate entered against James H. Hardy, on the fourteenth day of May, eighteen hundred and sixty-two.

Bill considered in Committee of the Whole.

Mr. Lawrence offered the following amendment :

Amend section one so as to read as follows :

SECTION 1. That said resolution and judgment be reversed and declared null and void, and that this Act, together with its preamble, be entered upon the Journal of this Senate.

Lost.

## IN SENATE.

Upon ordering the bill engrossed, the ayes and noes were demanded by Messrs. Larkin, Tweed and Roberts, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Betge, Comte, Conn, Curtis, Farley, Fowler, Hager, Hutchings, Irwin, Kincaid, Larkin, Lewis, Maclay, Mandeville, Minis, Morrill, O'Connor and Wilson—19.

**NOES**—Messrs. Chappell, Green, Lawrence, Murch, Perkins, Roberts, Tempkins, Turner, Tweed and Wing—10.

At two o'clock P. M. Mr. Beach moved to adjourn.

Lost.

Mr. Mandeville had leave to introduce the following bill: An Act to protect litigants.

Read first and second times and referred to the Committee on Printing, and ordered printed.

Mr. Minis had leave to introduce the following bill: An Act to authorize John R. Jarboe, M. R. Watson and Julius Falkenstein, their associates, successors and assigns, to build and maintain a wharf at the City of Vallejo, in the County of Solano.

Read first and second times and referred to the Committee on Commerce and Navigation.

## REPORT.

Mr. Morrill, from the Committee on Enrolment, made the following report:

**MR. PRESIDENT:** Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 123—An Act to reincorporate the City of Stockton, and amendatory of and supplemental to an Act entitled an Act to reincorporate the City of Stockton, approved April twenty-first, eighteen hundred and sixty-two.

And this day, at eleven o'clock and fifty minutes A. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

On motion of Mr. Lewis, at two o'clock and five minutes P. M. the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.



## IN SENATE:

SENATE CHAMBER,  
Thursday, January 27th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITIONS.

By Mr. Fowler—Remonstrance from citizens of Tulare County, against the passage of a bill repealing or amending the fee bill, so far as the same relates to the officers of said county.

Read and referred to Senator Roberts.

By Mr. Saunders—Memorial from the Board of Regents, relative to the passage by this Legislature of a joint resolution memorializing our representatives in Congress to pass a certain bill introduced by Senator Casserly.

Read and referred to the Committee on State University, and ordered printed.

By Mr. Hager—Petition from the German General Benevolent Society, asking aid from the State.

Read and referred to the Finance Committee.

By Mr. Tompkins—Resolution of the City Council of Oakland, relative to the State Normal School.

Read and referred to the Committee on Location of State Normal School.

By Mr. Roberts—Petition from the Directors of Holy Angel Orphan Asylum, at Grass Valley.

Read and referred to the Finance Committee.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 219—An Act making appropriations for deficiencies for the twenty-first fiscal year, ending the thirtieth day of June, eighteen hundred and seventy.

Also, Senate Bill No. 201—An Act making appropriations for payment of claims for furniture, carpets, etc., purchased by the Secretary of State, for furnishing the new State Capitol, and furnishing Supreme Court-rooms and Supreme Judges' rooms.

O'CONNOR, Chairman.

Mr. Banvard, from the Committee on Finance, made the following reports:

MR. PRESIDENT: Your Committee on Finance have had under consideration Senate Bill No. 238—An Act making appropriations for deficien-

cies in the appropriations for the twenty-first fiscal year—and report the same back and recommend its passage.

BANVARD, Chairman.

Mr. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 207—An Act for the payment of the County Judge of Tuolumne County—would respectfully report that they have had the same under consideration, and recommend the passage of the same.

BANVARD, Chairman.

Mr. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 130—An Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight—would respectfully report that they have had the same under consideration, and herewith return the same, with a substitute, and recommend the passage of the substitute.

BANVARD, Chairman.

Mr. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 68—An Act to provide revenue for the support of the Government of this State—would respectfully report that they have had the same under consideration, and recommend that it do not pass.

BANVARD, Chairman.

On motion, Senate Bills Nos. 130 and 68, above reported by the Finance Committee, were ordered printed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
January 26th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on Thursday, the twentieth instant, passed Assembly Bill No. 111—An Act to provide for the construction of a wagon turnpike road from a point at or near Ukiah City, in Mendocino County, to a point at or near Cloverdale, in Sonoma County.

And on Monday, the twenty-fourth instant, passed Assembly Bill No. 113—An Act amendatory of and supplementary to an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets, approved March thirtieth, eighteen hundred and sixty-eight.

And on yesterday adopted Assembly Concurrent Resolution No. 24—For the appointment of a joint committee to draft resolutions on the general political condition of the country.

And on this day passed Senate Bill No. 132—An Act to provide for engraving and printing Controller's warrants.

FERRAL,  
Chief Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 111, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 113, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Concurrent Resolution No. 24, above reported, read first and second times and referred to the Committee on Federal Relations.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
January 27th, 1870. }

Mr. PRESIDENT : I am directed to inform your honorable body that the Assembly, on yesterday, passed Assembly Bill No. 180—An Act to authorize the Board of Supervisors of Sutter County to issue bonds for road purposes.

Also, Assembly Concurrent Resolution No. 10—Relative to establishing a mail route and Post-office.

Also, Senate Bill No. 65—An Act to amend an Act entitled an Act concerning agricultural societies, approved March twelfth, eighteen hundred and fifty-nine.

And on this day passed Senate Bill No. 87—An Act to authorize the Council of the City of Oakland to lay out, open or improve streets in said city.

FERRAL,  
Chief Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 180, above reported, read first and second times and referred to the Committee on Roads and Highways.

Senate Bill No. 87, above reported, amendment of Assembly concurred in by the Senate.

Assembly Concurrent Resolution No. 10, above reported, read first and second times and referred to the Committee on Federal Relations.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Lewis—An Act to promote the farming interests of this State, and to provide for the exportation of California produce free of port charges.

Read first and second times and referred to the Committee on Commerce and Navigation, and ordered printed.

By Mr. Wand—An Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island, Vallejo and Benicia.

Read first and second times and referred to the Committee on Commerce and Navigation, and ordered printed.

By Mr. Maclay—An Act to amend an Act entitled an Act to authorize the construction of a railroad from the City of San José to the Town of Santa Clara, in the County of Santa Clara, passed March twenty-fourth, eighteen hundred and sixty-eight.

Read first and second times and referred to the Committee on Corporations.

By Mr. Maclay—An Act to encourage the production and manufacture of sugar in California.

Read first and second times and referred to the Committee on Agriculture.

By Mr. Saunders—An Act to make, open and establish a public street in the City and County of San Francisco, to be called Montgomery Street South, and to take private lands therefor.

Read first and second times and referred to the San Francisco delegation, and ordered printed.

By Mr. Saunders—An Act to amend an Act entitled an Act defining the time of commencing civil actions, approved April twenty-second, eighteen hundred and fifty.

Read first and second times and referred to the Judiciary Committee.

#### MOTIONS AND RESOLUTIONS.

By Mr. Betge :

WHEREAS, Action is about to be taken by the British Government and the Australian Colonies to place upon the Pacific Ocean a line of steamships, to ply monthly between Melbourne, Australia, and San Francisco, California; the most superficial observer will readily perceive that such a line of steamers will go largely towards placing the Pacific Ocean under the control of the Government under whose flag they sail; it is evident that such a result in time of war would prove most disastrous to the United States; the ship yards and machine shops for the construction and repairs of these vessels and their machinery would be located, did the United States control the line, in San Francisco, giving employment to hundreds of mechanics and laborers, adding largely to the business and wealth of the city and State; and whereas, in these times of mechanical, agricultural and commercial depression, it becomes the duty of the Government to retain within its borders, encourage and aid for the benefit of its citizens, all the avenues of trade over which it is possible for it to obtain control; therefore, be it

*Resolved* by the Senate, the Assembly concurring, That our Senators in Congress be instructed, and our Representatives requested, to use such influence as shall cause national aid to be granted, in the shape of a liberal subsidy, commensurate with the importance of the project, for a term of years, to any responsible company who will contract to perform a monthly mail service, in vessels of not less than two thousand tons burden, between San Francisco and Melbourne.

*Resolved*, That the Governor be requested to forward a copy of this preamble and these resolutions to our Senators and Representatives at Washington without delay.

Read first and second times and referred to the Committee on Federal Relations, and ordered printed.

By Mr. Green :

*Resolved*, That the Sergeant-at-Arms be required to purchase one copy of Hittell's Digest, for the use of the Committee on Commerce and Navigation, payable out of the Contingent Fund of the Senate.

Adopted.

By Mr. Kincaid :

*Resolved*, That the Committee on Contingent Expenses be and are hereby authorized to appoint additional Copying Clerks and fix their compensation, not to exceed the per diem allowed to other Copying Clerks. Said appointments to be made whenever; in the judgment of said committee, they may be necessary.

At twelve o'clock m., on motion of Mr. Lewis, the special order was temporarily suspended for the consideration of the resolution introduced by Mr. Kincaid.

On motion, the rule requiring the reference of said resolution to the Committee on Contingent Expenses was suspended.

Mr. Minis moved to amend the resolution by striking out "Committee on Contingent Expenses," and insert in lieu thereof "Secretary of the Senate."

Lost.

Mr. O'Connor moved to amend by striking out "not to exceed the per diem allowed to other Copying Clerks," and insert in lieu thereof "six dollars per diem."

Adopted.

The resolution was then adopted as amended.

#### SPECIAL ORDER.

At twelve o'clock and fifteen minutes P. M., the Senate took up the consideration of special order, as follows:

Governor's message transmitting fifteenth amendment; also, resolutions introduced by Senator Hager.

Upon the adoption of the resolutions introduced by Mr. Hager, the ayes and noes were demanded by Messrs. Minis, Comte and Larkin, and the resolutions were adopted, by the following vote:

**AYES**—Messrs. Banvard, Comte, Conn, Curtis, Farley, Fowler, Hager, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, Minis, Morrill, O'Connor, Pendegast, Perkins, Saunders, Wand and Wilson—23.

**NOES**—Messrs. Beach, Chappell, Green, Murch, Roberts, Tompkins, Tweed and Wing—8.

On motion of Mr. Lewis, at three o'clock and forty-five minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, January 28th, 1870. }

Senate met pursuant to adjournment.  
President in the chair.  
Roll called.  
Quorum present.  
Prayer by the Chaplain.  
Journal of yesterday read and approved.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 181—An Act to expunge from the journal the judgment of the Senate entered against James H. Hardy on the fourteenth day of May, eighteen hundred and sixty-two.

O'CONNOR, Chairman.

Mr. Wand, from the Committee on Contingent Expenses, made the following report :

Mr. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred the resolution with regard to the per diem of Assistant Enrolling Clerks, respectfully report that upon examination they find that the usual pay of assistants has been the same as of Enrolling Clerk, that the Assembly have the present session fixed the pay of Assistant Enrolling Clerks at that rate, and believing it to be just, we recommend that the resolution passed by the Senate on the tenth instant be rescinded, and the accompanying resolution be adopted.

*Resolved*, That the Enrolling Clerk be authorized to appoint an assistant or assistants, as the duties of his office may require, with the consent of the Enrolling Committee, and the assistants receive the same per diem as the Enrolling Clerk, payable out of the Contingent Fund of the Senate.

WAND, Chairman.

Ordered on file.

Mr. Saunders, from the Committee on Corporations, made the following report :

Mr. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 146—An Act to divide the City of Oakland into wards, and to provide for the holding of elections therein—having had the same under consideration, report it back and recommend that it be passed.

Also, Senate Bill No. 135—An Act to authorize Morris Wolff, Lewis Jacobs, and John Ruffin, and their assigns, owners of an artesian well

in the Town of San Bernardino, to lay down water pipes in the public streets of said town—have considered the same, and report it with the recommendation that it be passed.

Also, Assembly Bill No. 43—An Act to grant the right to construct and maintain a bridge and ferry across Russian River, and to open a public highway thereto—have had the same under consideration and report it back with the following amendments, and as amended, recommend that it be passed: Strike out the word "thirty" in line eighteen, page seven, section six, and insert the word "twenty;" strike out the word "ten" in line twenty-four, page eight, section seven, and insert the words "not less than fourteen in the clear."

Also, Assembly Bill No. 65—An Act to amend an Act entitled an Act respecting the Trustees of San Diego, approved April twenty-eighth, eighteen hundred and fifty-two—have considered the same and report it back with amendments, and as amended recommend that it be passed: Amend section one, on page one, line ten, by striking out the word "that." Also, amend by adding after section three the following section:

Section 4. The President and Trustees shall not subject said city to an expense of more than three thousand dollars in any one year for all services of counsel under sections two and three of this Act.

SAUNDERS, for Committee.

Mr. Morrill, from the Committee on Enrolment, made the following report:

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 132—An Act for engraving and printing Controller's warrants.

And this day, at twelve o'clock and thirty-five minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. Maclay, from the Committee on Education, made the following report:

Mr. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 228—An Act to authorize and require the County of Santa Cruz to pay over certain school moneys to certain School Directors, in San Mateo County—have had the same under consideration, report the bill back and recommend its passage.

MACLAY, Chairman.

Mr. Pendegast, from the Committee on Public Lands, verbally reported back Assembly Bill No. 67, and recommended the passage of the same.

The rules were suspended and Mr. Hager had leave to present a memorial from the Trustees of the Mechanics' Institute of San Francisco, relative to establishing the College of Mines, etc., at the City of San Francisco.

Referred to the Committee on State University and ordered printed.

Mr. Saunders, from the San Francisco delegation, made the following report:

Mr. PRESIDENT: Your committee, composed of the Senators representing the City and County of San Francisco, to whom was referred

Assembly Bill No. 28—An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay a certain claim of P. H. Van Winkle—having had the same under consideration, respectfully report the bill back to the Senate and recommend its passage.

Also, Senate Bill No. 69—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof—having duly considered the same, respectfully report the bill back to the Senate and recommend its passage.

Also, Senate Bill No. 116—An Act to fix and regulate the salaries of the Auditor's Clerk and the Deputy Treasurers of the City and County of San Francisco—having duly considered the same, report the bill back to the Senate with amendments, and recommend that the amendments be adopted and the bill pass as amended.

Amendments to Senate Bill No. 116—An Act to fix and regulate the salaries of the Auditor's Clerk and the Deputy Treasurers of the City and County of San Francisco—after the word "otherwise," in third line of section one, insert: "the following sums, to be audited and paid in the manner and out of the fund now provided by law for the payment of the salaries of said officers."

SAUNDERS, for Delegation.

Read and bills referred to the Judiciary Committee.

#### INTRODUCTION OF BILLS.

By Mr. Roberts—An Act to amend an Act entitled an Act to amend an Act entitled an Act to revise and amend an Act entitled an Act to incorporate the Town of Grass Valley, approved March twenty-fourth, eighteen hundred and sixty-six, approved January twenty-second, eighteen hundred and seventy.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

The rules were further suspended and bill ordered transmitted immediately to the Assembly.

By Mr. Conn—An Act to appropriate money to pay the outstanding Indian War Bonds issued by the State of California, under an Act of the Legislature, approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto.

Read first and second times and referred to the Committee on Claims.

By Mr. Green—An Act to provide for an official survey of the swamp and overflowed, tide and salt marsh lands in Marin County.

Read first and second times and referred to the Committee on Commerce and Navigation, and ordered printed.

By Mr. Tompkins—An Act to confirm a certain ordinance and contract relating to lighting the streets of the City of Oakland.

Read first and second times and, with accompanying documents, referred to the Committee on Corporations.

By Mr. Wilson—An Act in relation to the building of a wharf at the harbor of San Simeon, in the County of San Luis Obispo.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Wand—An Act to appropriate money for the payment of curtains, carpets and matting for Senate and Assembly Chambers.



Read first and second times and referred to the Committee on Public Expenditures.

Also, an Act to provide sanitary regulations for the City and County of San Francisco.

Read first and second times and, with accompanying petition, referred to the San Francisco delegation, and ordered printed.

By Mr. Hutchings—An Act to authorize the Board of Supervisors of Yuba County to levy and collect tolls on the Marysville and Brown's Valley Turnpike.

Read first and second times and referred to the Yuba delegation.

By Mr. Betge—An Act to give effect, force and virtue to a certain contract made and entered into between the City of San Francisco and G. Wetzlar, his associates and assigns, dated the ninth day of May, eighteen hundred and sixty-six, and to confirm all orders of the Board of Supervisors of said city made in reference to said contract.

Read first and second times and referred to the San Francisco delegation.

By Mr. Hager—An Act to prevent the kidnapping and importation of Mongolian, Chinese and Japanese females for criminal or demoralizing purposes.

Read first and second times and referred to the Judiciary Committee, and ordered printed.

Also, an Act to prevent the importation of Chinese criminals, and to prevent the establishment of coolie slavery.

Read first and second times and referred to the Judiciary Committee, and ordered printed.

Mr. Minis had leave to present a report from the Commissioners on the reclamation of swamp lands in the Sacramento Valley.

On motion, the reading of the report was dispensed with, and nine hundred and sixty copies ordered printed.

Mr. Wilson had leave to present a report from the Committee on the Culture of the Grape.

On motion, the reading of the report was dispensed with, and one thousand copies ordered printed.

#### MOTIONS AND RESOLUTIONS.

By Mr. Lawrence—Substitute for rule forty-nine. The usual number of copies of all bills of a general character shall be printed without special order of the Senate; and any local bill or other matter may be printed by request of any Senator, unless objection shall be made; in which case the question shall be submitted to the Senate and decided by a majority vote.

Adopted.

#### GENERAL FILE.

Senate Bill No. 48—An Act for the relief and support of the California Labor and Employment Exchange.

Considered in Committee of the Whole.

Mr. Hager moved to amend by striking out "one thousand" in section one, and insert in lieu thereof "five hundred."

Adopted.

Mr. Irwin moved to amend by striking out "all men" in section one, and insert in lieu thereof "all persons except Mongolians."

Upon the adoption of the amendment, the ayes and noes were demanded

by Messrs. Lewis, Farley and Tweed, and the amendment was adopted, by the following vote :

**AYES**—Messrs. Banvard, Betge, Comte, Farley, Fowler, Hager, Hutchings, Irwin, Kincaid, Lawrence, Lewis, Mandeville, Minis, O'Connor, Pendegast, Saunders, Wand and Wing—18.

**NOES**—Messrs. Beach, Chappell, Conly, Conn, Curtis, Green, Larkin, Morrill, Murch, Perkins, Roberts, Tompkins, Turner, Tweed and Wilson—15.

Mr. Lawrence moved to refer the bill to the Committee on Federal Relations, with special instructions to amend in accordance with the amendment offered by Senator Minis, so as to include in its benefits none but white persons.

Lost.

Mr. Minis moved to refer the bill to the Committee on Education.

Lost.

Mr. Comte moved to amend section one by inserting after the word "Fund" the following: "of the City and County of San Francisco."

Lost.

[President pro tem., Mr. Lewis, in the chair.]

Mr. Larkin offered the following as an additional section to the bill: "The Secretary shall be appointed by the Governor."

Lost.

Mr. Comte moved to recommit the bill to the Finance Committee, with special instructions to report an amendment to the bill, providing for the establishment of three branch Labor Exchanges.

Lost.

Mr. Larkin moved to amend section four by inserting, "and a branch of the Labor Exchange shall be established at each county seat in the State of California."

Lost.

Mr. Fowler moved that the Senate take a recess until two o'clock.

Lost.

Mr. O'Connor moved the previous question, which was sustained.

The ayes and noes having been demanded by Messrs. Betge, Larkin and Fowler, the Senate, under the operation of the previous question, ordered the bill engrossed, by the following vote :

**AYES**—Messrs. Beach, Betge, Comte, Conly, Green, Hager, Hutchings, Irwin, Kincaid, Lawrence, Lewis, Morrill, Pendegast, Perkins, Saunders, Tompkins, Turner, Tweed, Wand and Wing—20.

**NOES**—Messrs. Banvard, Chappell, Conn, Curtis, Fowler, Larkin, Minis, Murch, O'Connor, Roberts and Wilson—11.

#### REPORTS.

Mr. O'Connor, from the Engrossing Committee, made the following report :

**MR. PRESIDENT:** The Committee on Engrossment have examined and find correctly engrossed Senate Joint Resolution No. 3—Relative to the Fifteenth Amendment, etc.

**O'CONNOR, Chairman.**

Mr. Morrill, from the Committee on Enrolment, made the following report :

**MR. PRESIDENT :** Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 65—An Act to amend an Act concerning agricultural societies, approved March twelfth, eighteen hundred and fifty-nine.

Also, Senate Bill No. 87—An Act to authorize the Council of the City of Oakland to lay out, open or improve streets in said city.

And this day, at eleven o'clock and twenty-five minutes A. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

The further consideration of the general file was temporarily suspended, and the Senate took up Assembly messages.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
January 28th, 1870. }

**MR. PRESIDENT :** I am directed to inform your honorable body that the Assembly, on the twentieth instant, passed, with amendment, Senate Bill No. 2—An Act to repeal an Act entitled an Act to prohibit the carrying of concealed weapons, approved April twenty-seventh, eighteen hundred and sixty-three.

And, on yesterday, passed Assembly Bill No. 150—An Act to amend an Act entitled an Act to provide for the appointment of Notaries Public and defining their duties, passed April twenty-fifth, eighteen hundred and sixty-two.

Also, passed Senate Bill No. 105—An Act to amend an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty.

Also, Senate Concurrent Resolution No. 21—Relative to granting leave of absence to the Sheriff of Los Angeles.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill No. 2, above reported from the Assembly, with an amendment. Senate refused to concur in the amendment of the Assembly.

Assembly Bill No. 150, above reported. Mr. Pendegast offered a substitute for said bill, which was adopted and transmitted to the Assembly.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
January 28th, 1870. }

**MR. PRESIDENT :** I am directed to inform your honorable body that the Assembly, on yesterday, adopted the following concurrent resolution :

*Resolved* by the Assembly, the Senate concurring, That a committee of three from each House be appointed to examine proposals for translating into the Spanish language the laws of the present session.

And have appointed as such committee, on the part of the Assembly, Messrs. Robinson, Murphy of Santa Clara, and Esandon.

And, on this day, passed Senate Bill No. 260—An Act to amend an Act entitled an Act to amend an Act entitled an Act to revise and amend an Act entitled an Act to incorporate the Town of Grass Valley, approved March twenty-fourth, eighteen hundred and sixty-six, approved January twenty-second, eighteen hundred and seventy.

Also, Senate Bill No. 219—An Act making an appropriation for deficiencies for the twenty-first fiscal year, ending the thirtieth day of June, eighteen hundred and seventy.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution No. 27, above reported, adopted.

#### GENERAL FILE RESUMED.

Senate resumed consideration of general file.

Senate Bill No. 50—An Act to provide for the appointment of a Commissioner to visit the Eastern Insane Asylums and to define his powers and duties.

Read a third time and passed.

Assembly Bill No. 106—An Act to amend section one of an Act entitled an Act to amend an Act entitled an Act to fix the amount of official bonds of county officers in and for the Counties of Klamath and Del Norte, approved March twenty-sixth, eighteen hundred and sixty-eight.

Read a third time and passed.

Senate Bill No. 227 (Senate substitute for Assembly Bill No. 2 and Senate Bill No. 95)—An Act amendatory of and supplementary to an Act entitled an Act to organize and regulate the Justices' Court in the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and sixty-six.

Mr. Green moved to commit the bill to the Judiciary Committee, with special instructions to insert the following amendment: Amend section twelve by inserting, "provided the two Constables already in offices shall hold the same for the full time for which they were elected by the Board of Supervisors."

Upon the motion to commit, the ayes and noes were demanded by Messrs. Green, Tweed and Chappell, and the Senate refused, by the following vote:

**AYES**—Messrs. Chappell, Curtis, Green, Murch, Perkins, Turner and Tweed—7.

**NOES**—Messrs. Banvard, Betge, Comte, Conly, Conn, Farley, Fowler, Hager, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Minis, O'Connor, Pendegast, Saunders, Tompkins, Wand, Wilson and Wing—22.

Senate Bill No. 89—An Act supplementary to an Act entitled an Act concerning assessments upon the stock of corporations, approved March twenty-sixth, eighteen hundred and sixty-six.

Read a third time and passed.

Assembly Bill No. 82—An Act to amend an Act to authorize the Board of Supervisors of Inyo County to levy a special tax for building purposes, approved January twenty-ninth, eighteen hundred and sixty-eight.

Read a third time and passed.

Assembly Bill No. 41—An Act to authorize the Board of Supervisors of Mono County to transfer moneys from one fund to another.

Read a third time and passed.

Assembly Concurrent Resolution No. 8—Relative to building a break-water at Crescent City.

Mr. Hager moved to strike out "concurrent" and insert in lieu thereof "joint."

Adopted.

The resolution was then adopted.

Senate Bill No. 53—A bill to amend an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight.

Mr. Lawrence moved to recommit the bill to the Judiciary Committee, with special instructions to inquire as to the existence of vested rights in the premises.

Lost.

The bill was then read a third time and passed.

Senate Bill No. 201—An Act making appropriations for payment of claims for furniture, carpets, etc., purchased by the Secretary of State for furnishing the new State Capitol, and for furnishing Supreme Court room and Supreme Judges' rooms.

Read a third time and passed.

Senate Bill No. 180—An Act for the relief of S. D. Smith.

Ordered engrossed.

Senate Bill No. 207—An Act for the payment of the salary of the County Judge of Tuolumne County.

Ordered engrossed.

Senate Bill No. 238—An Act making appropriations for deficiencies in the appropriations for the twenty-first fiscal year.

Ordered engrossed.

Senate Bill No. 130—An Act conferring further powers upon the State Board and the Board of Tide Land Commissioners named in and appointed under the Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight.

Referred to the Judiciary Committee and ordered printed.\*

Mr. Minis had leave to introduce the following bill—An Act to amend an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight.

Read first and second times and referred to the Committee on Public Lands, and ordered printed.

Mr. Pendegast had leave to introduce the following resolution:

*Resolved*, That James W. Hawkins be and he is hereby allowed the sum of five hundred and forty-six dollars, for services rendered in con-

tested election case of P. W. Murphy against R. Pacheco, payable out of the Contingent Fund of the Senate.

Referred to the Committee on Contingent Expenses.

On motion of Mr. Murch, at two o'clock and fifty minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Saturday, January 29th, 1870..}

Senate met pursuant to adjournment.

President pro tem., Mr. Lewis, in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Leave of absence for one day was granted to Mr. Saunders, and to Mr. Roberts for three days.

## PETITIONS.

A petition was presented by Mr. Irwin, from citizens of Surprise Valley and Goose Lake Valley, in relation to the establishment of a new county, etc.

Referred to Senator Irwin..

## APPOINTMENT.

The President pro tem., Mr. Lewis, announced the appointment of the following committee, on the part of the Senate, to examine proposals for the translation of the laws of the present session into the Spanish language: Messrs. Pendegast, Curtis and Hutchings.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 260—An Act to amend an Act entitled an Act to amend an Act entitled an Act to revise and amend an Act entitled an Act to incorporate the Town of Grass Valley, approved March twenty-fourth, eighteen hundred and sixty-six, approved January twenty-second, eighteen hundred and seventy.

Also, Senate Bill No. 180—An Act for the relief of S. D. Smith.

Also, Senat8 Bill No. 245—An Act to authorize the Board of Supervisors of the County of Siskiyou to transfer moneys from a certain fund to certain other funds.

O'CONNOR, Chairman.

Mr. Curtis, from the Committee on Claims, made the following report :

MR. PRESIDENT: The Committee on Claims, to whom was referred Senate Bill No. 249—An Act for the relief of Gordon E. Sloss—have had the same under consideration and report it back and recommend its passage.

CURTIS, Chairman.

Mr. Fowler, from the Committee on Agriculture, made the following reports :

MR. PRESIDENT: The Committee on Agriculture, of the Senate, to whom was referred Assembly Bill No. 32—An Act to extend the provisions of an Act entitled an Act concerning hogs running at large in certain counties in this State, approved April twenty-first, eighteen hundred and sixty-five,—have had the same under consideration and respectfully report the same back and recommend its passage.

FOWLER, Chairman.

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Senate Bill No. 134—An Act to repeal an Act entitled an Act for the encouragement of agriculture and manufactures in California, approved April twenty-fifth, eighteen hundred and sixty-two—have had the same under consideration and respectfully report the same back and recommend the passage of the substitute.

FOWLER, Chairman.

MR. PRESIDENT: The Committee on Agriculture, to whom was referred Assembly Bill No. 77—An Act to encourage the destruction of squirrels and gophers in certain counties of this State, and to provide for a bounty for the same—have had the same under consideration and respectfully report the bill back, and request that the application of this bill shall not extend to the Counties of Fresno and Yolo.

FOWLER, Chairman.

Mr. Larkin, from the Committee on Corporations, made the following report :

MR. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 7—An Act to provide and pay for services rendered for the City and County of San Francisco—have had the same under consideration and report it back with the following amendments, and, as amended, recommend that it be passed :

Amend section one by inserting after the word "numbers," in line fifteen, "six thousand three hundred and seventy-one and."

Amend section one by inserting after the word "approved," in line sixteen, the words "respectively January seventh, eighteen hundred and sixty-seven and."

Amend section one by inserting after the word "numbers," in line twenty, the words "six thousand three hundred and seventy-one and "

Amend section one by inserting after the word "number," in line twenty-one, the words "six thousand three hundred and seventy-one and."

Amend section one by inserting after the word "for," in line twenty-four, the words "services of counsel."

Amend section two by inserting after the word "oath," in line five, the words "or under the direction of said Board of Supervisors."

LARKIN, for Committee.

Mr. Betge, from the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 79—An Act for the regulation of sailor boarding houses and of shipping houses in the City and County of San Francisco—report the same back with an amendment, and recommend the passage of the same as amended.

BETGE, Chairman.

Mr. Hager, from the Judiciary Committee, made the following report:

MR. PRESIDENT: The Committee on Judiciary having had under consideration substitute for Assembly Bill No. 113—An Act amendatory of and supplementary to an Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets, approved March thirtieth, eighteen hundred and sixty-eight—report the same back and recommend its passage.

Also, Senate Bill No. 218—An Act to authorize Bridget Stannah, administratrix of the estate of William Stannah, deceased, to sell the real estate belonging to said estate in the City and County of San Francisco, at public and private sale—report the same back, with a substitute therefor, and recommend the passage of the substitute.

HAGER, Chairman.

On motion of Mr. Pendegast, the rules were suspended for the consideration of substitute for Assembly Bill No. 113, above reported by the Judiciary Committee.

On motion of Mr. Pendegast, the motion by which the rules were suspended for the consideration of Assembly Bill No. 113 was reconsidered.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 28th, 1870.

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 123—An Act to reincorporate the City of Stockton and amendatory of and supplemental to an Act entitled an Act to reincorporate



the City of Stockton, approved April twenty-first, eighteen hundred and sixty-two.

Also, Senate Bill No. 132—An Act to provide for engraving and printing Controller's warrants.

H. H. HAIGHT,  
Governor,

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
January 28th, 1870. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Assembly Bill No. 191—An Act for the relief of John W. Ball.

MOFFITT,  
Assistant Clerk..

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 191, above reported, read first and second times and referred to the Committee on Claims.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
January 29th, 1870. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Senate Joint Resolution No. 3—Relative to the Fifteenth Amendment.

• CRAWFORD,  
Assistant Clerk.

INTRODUCTION OF BILLS.

By Mr. Larkin—An Act regulating offices and officers in the County of El Dorado.

Read first and second times and referred to the Committee on State and County Revenue, and ordered printed.

By Mr. Wand—An Act to create the office of Inspector of salted and barrelled beef, pork and fish.

Read first and second times and, with the accompanying petition, referred to the Committee on Commerce and Navigation.

By Mr. Curtis—An Act concerning the office of County Recorder and ex officio Auditor of the County of Sacramento.

Read first and second times and referred to the Judiciary Committee.

By Mr. Minis—An Act supplementary to an Act entitled 'an Act to authorize David N. Darlington, Isaiah Hanscom and others to build a wharf in Solano County, approved February twenty-first, eighteen hundred and fifty-five.

Read first and second times and referred to the Committee on Commerce and Navigation.

Also, an Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property—approved March twenty-sixth, eighteen hundred and sixty-nine.

Read first and second times and referred to the Committee on Agriculture.

By Mr. Morrill—An Act requiring corporations and others doing life insurance business in this State to make reports, and regulating the same.

Read first and second times and referred to the Committee on Corporations, and ordered printed.

By Mr. Fowler—An Act to authorize the Supervisors of Kern County to levy a special tax for the County Current Expense Fund.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Betge—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Read first and second times and referred to the San Francisco delegation.

By Mr. Pendegast—An Act amendatory and supplemental to an Act entitled an Act to authorize the Judges of the Supreme Court to employ a Secretary, approved April twenty-third, eighteen hundred and fifty-eight.

Read first and second times and referred to the Committee on Finance.

By Mr. Comte—An Act authorizing the Board of Supervisors of the County of Sacramento to audit and allow certain claims.

Read first and second times and referred to the Sacramento delegation.

By Mr. Farley—An Act to pay certain claims against the Deaf and Dumb and Blind Asylum.

Read first and second times and referred to the Committee on Public Buildings.

#### RESOLUTIONS AND NOTICES.

By Mr. Murch :

*Resolved* by the Senate, the Assembly concurring, That the following additional rule be added to the Joint Rules of the Senate and Assembly:

**RULE 22.** Whenever a bill or resolution, which shall have been passed in one House, shall be amended in the other, such amendment or amendments shall be attached to the bill or resolution so amended, and indorsed "Adopted;" and such amendment or amendments, if concurred in by the House in which such bill or resolution originated, shall be indorsed "Concurred in;" and such indorsements shall be signed by the Secretary or Assistant Secretary of the Senate, or the Clerk or Assistant Clerk of the Assembly, as the case may be.

The resolution was adopted, under a suspension of the rules.

Mr. Lawrence gave notice that on Tuesday next he would introduce an amendment to the rule respecting the San Francisco delegation committee.

#### GENERAL FILE.

Senate Bill No. 181—An Act to expunge from the journal the judgment of the Senate entered against James H. Hardy on the fourteenth day of May, eighteen hundred and sixty-two.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Tweed, Beach and Chappell, and the bill was passed, by the following vote:

**AYES**—Messrs. Banvard, Betge, Comte, Conn, Curtis, Fowler, Hager, Hutchings, Irwin, Kincaid, Larkin, Lewis, Minis, Morrill, O'Connor, Pendegast, Wand and Wilson—18.

**NOES**—Messrs. Beach, Chappell, Conly, Green, Lawrence, Murch, Perkins, Tompkins, Turner, Tweed and Wing—11.

Assembly Bill No. 43—An Act to grant the right to construct and maintain a bridge and ferry across Russian River.

Laid on the table and ordered printed.

Assembly Bill No. 65—An Act to amend an Act entitled an Act respecting the Trustees of San Diego.

Amendment of committee adopted.

Bill read a third time and passed.

[Mr. Pendegast in the chair.]

Assembly Bill No. 67—An Act confirming certain resolutions and ordinances passed by the President and Trustees of San Diego.

Read a third time and passed.

Senate Bill No. 68—An Act to provide revenue for the support of the Government of this State;

Referred to the Judiciary Committee.

Senate Bill No. 146—An Act to divide the City of Oakland into wards, and to provide for the holding of elections therein.

Ordered at the top of the file for Thursday next.

Senate Bill No. 228—An Act to authorize and require the County of Santa Cruz to pay over certain school moneys to certain school districts in San Mateo County.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 135—An Act to authorize Morris Wolff, Louis Jacobs and John Ruffin, and their assignees, owners of an artesian well in the Town of San Bernardino, to lay down water pipes in the public streets of said town.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate resolution relative to appointing Assistant Enrolling Clerks.

Adopted.

Mr. Beach was granted leave of absence for one day, and Mr. Betge for three days.

Mr. Larkin had leave to introduce the following bill—An Act to prevent members of the Legislature and the attachés thereof from receiving free passes over the railroads and steamboats within the State of California.

Read first and second times and referred to the Committee on Public Morals.

#### REPORT.

Mr. Morrill, from the Committee on Enrolment, made the following report:

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No.

219—An Act making an appropriation for deficiencies for the twenty-first fiscal year, ending the thirtieth day of June, eighteen hundred and seventy.

Also, Senate Concurrent Resolution No. 21—Relative to granting leave of absence to Sheriff of Los Angeles.

And this day, at eleven o'clock and twenty minutes A. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. Banvard had leave to introduce the following resolution :

*Resolved*, That when the Senate adjourn, it adjourn to meet on Monday next, the thirty-first instant, at half-past two o'clock P. M.

Adopted.

At one o'clock and ten minutes P. M., on motion of Mr. Green, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest : JOSEPH ROBERTS, Jr., Secretary of Senate.

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### IN SENATE.

SENATE CHAMBER,  
Monday, January 31st, 1870. }

Senate met pursuant to adjournment.

President pro tem., Mr. Lewis, in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Indefinite leave of absence was granted to Mr. Maclay, Mr. Gwin and Mr. Saunders, and to Mr. Minis for one day.

Journal of Saturday read and approved.

### REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT : The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 207—An Act for the payment of the salary of the County Judge of Tuolumne County.

Also, Senate Bill No. 238—An Act making appropriations for deficiencies in the appropriations for the twenty-first fiscal year.

O'CONNOR, Chairman.

Mr. O'Connor, for the Committee on Education, presented the following report :

**Mr. PRESIDENT:** Your Committee on Education, to whom was referred Senate Bill No. 215—An Act to establish and define the powers and duties of the Board of Education and of the City Superintendent of Common Schools of the City of Los Angeles—have had the same under consideration and recommend its passage.

**MACLAY, Chairman.**

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, January 31st, 1870. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 65—An Act to amend an Act entitled an Act concerning agricultural societies, approved March twelfth, eighteen hundred and fifty-nine.

Also, Senate Bill No. 219—An Act making an appropriation for deficiencies for the twenty-first fiscal year, ending the thirtieth day of June, eighteen hundred and seventy.

Also, Senate Bill No. 87—An Act to authorize the Council of the City of Oakland to lay out, open or improve streets in said city.

**H. H. HAIGHT,**  
Governor.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Farley—An Act to authorize the Board of Supervisors of the County of Amador to levy an additional tax for county expenditures in said county.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Irwin—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March thirty-first, eighteen hundred and sixty-six.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Lewis—An Act to provide for the construction of a canal for irrigating, milling, manufacturing and supplying the Town of Red Bluff with water.

Read first and second times and referred to the Judiciary Committee.

By Mr. Tompkins—An Act to provide funds for the school department of the City of Oakland:

Read first and second times and referred to the Committee on Corporations, and ordered printed.

By Mr. Curtis—An Act to authorize the incorporation of water companies and canal companies.

Read first and second times and referred to the Committee on Corporations.

## RESOLUTION.

By Mr. Green.

*Resolved*, That Hiram Clock be appointed Assistant Fireman of the Senate, to date from the seventeenth of December, eighteen hundred and sixty-nine, at the same per diem as the Porters of the Senate, payable out of the Contingent Fund of the Senate.

Adopted, under a suspension of the rules.

## GENERAL FILE.

Senate Bill No. 180—An Act for the relief of S. D. Smith.

Read a third time and passed.

Assembly Bill No. 82—An Act to extend the provisions of an Act entitled an Act concerning hogs running at large in certain counties in this State, approved April twenty-first, eighteen hundred and sixty-five.

Recommitted to the Committee on Agriculture.

Assembly Bill No. 77—An Act to encourage the destruction of squirrels and gophers in certain counties in this State, and to provide for a bounty for the same.

Amendment of committee adopted and passed on file.

Assembly Bill No. 113—An Act amendatory of and supplemental to an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets, approved March thirtieth, eighteen hundred and sixty-eight.

Read a third time and passed.

Senate Bill No. 134—An Act to repeal an Act entitled an Act for the encouragement of agriculture and manufactures in California.

Substitute reported by Committee on Agriculture adopted and bill ordered engrossed.

Senate Bill No. 79—An Act for the regulation of sailor boarding houses and of shipping houses in the City and County of San Francisco.

Amendment of committee adopted and bill ordered engrossed.

Senate Bill No. 213—An Act authorizing Bridget Stannah, administratrix of the estate of William Stannah, deceased, to sell the real estate belonging to said estate in the City and County of San Francisco, at public or private sale.

Substitute reported by the Judiciary Committee adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 249—An Act for the relief of Gordon E. Sloss.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 7—An Act to provide and pay for services rendered to the City and County of San Francisco.

Amendment of committee adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Larkin, from the Committee on State and County Revenue, verbally reported back Senate Bill No. 278, with the recommendation that the same do pass.

On motion, the rules were suspended and Senate took up consideration of Senate Bill No. 278, above reported by the Committee on State and County Revenue.

The rules were further suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Conn, at four o'clock and five minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, February 1st, 1870. }

Senate met pursuant to adjournment.

President pro tem., Mr. Lewis, in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITIONS.

By Mr. Lawrence—From citizens of Mariposa and Fresno Counties, urging the passage of a bill changing a part of the boundary line between Mariposa and Fresno Counties.

Read and referred to the Committee on Counties and County Boundaries.

By Mr. Orr—From citizens of the City of Stockton, requesting the passage of a bill for the enlargement of Webber Engine Company of said city.

Read and referred to the Committee on Corporations.

Also, from citizens of the City of Stockton, protesting against the passage of a bill for the enlargement of Webber Engine Company of said city.

Read and referred to the Committee on Corporations.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 7—An Act to provide and pay for services rendered for the City and County of San Francisco.

Also, Senate Bill No. 48—An Act for the relief and support of the California Labor and Employment Exchange.

Also, Senate Bill No. 135—An Act to authorize Morris Wolff, Lewis Jacobs and John Ruffin, and their assigns, owners of an artesian well in the Town of San Bernardino, to lay down water pipes in the public streets of said town.

Also, Senate Bill No. 228—An Act to authorize and require the County of Santa Cruz to pay over certain school moneys to certain school districts in San Mateo County.

O'CONNOR, Chairman.

Mr. Morrill, from the Committee on Enrolment, made the following report:

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Joint Resolution No. 3—Relative to the Fifteenth Amendment.

And this day, at one o'clock and twenty-five minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Lawrence—An Act to better define the boundary line between Fresno and Mariposa Counties.

Read first and second times and referred to the Committee on Counties and County Boundaries.

By Mr. Pendegast—An Act amendatory of and supplementary to an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight.

Read first and second times and referred to the Committee on Public Lands, and ordered printed.

By Mr. Betge—An Act granting the right to construct and maintain a railroad on certain streets therein named, in the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Wand—An Act to modify the grade of certain streets in the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Hager—An Act to authorize the Board of Supervisors of the City and County of San Francisco to permit the laying down of railroad tracks for grading purposes.

Read first and second times and referred to the San Francisco delegation.

By Mr. Saunders—An Act in relation to the duties of dealers in second-hand merchandise.

Read first and second times and referred to the Judiciary Committee.

By Mr. Hager—An Act to aid the Mercantile Library Association of the City and County of San Francisco in paying its indebtedness.

Read first and second times and referred to the Judiciary Committee.

By Mr. Orr—An Act authorizing the parties therein named, their associates and assigns, to construct and maintain a ship canal from the City of Stockton to deep water on the San Joaquin River.

Read first and second times and referred to the Committee on Commerce and Navigation, and ordered printed.

By Mr. Hager—An Act in relation to railroads for grading purposes only, in the City and County of San Francisco.



Read first and second times and, with accompanying petition, referred to the San Francisco delegation.

By Mr. Minis—An Act concerning the City of Vallejo, and to ratify and confirm a certain ordinance of the Trustees thereof.

Read first and second times and referred to the Committee on Corporations, and ordered printed.

By Mr. Comte—An Act providing for the appointment of phonographic reporters in certain cases.

Read first and second times and referred to the delegations named in the bill.

Also, an Act providing for the appointment of additional Notaries Public in Sacramento County.

Read first and second times and referred to the Sacramento delegation.

#### MOTIONS AND RESOLUTIONS.

By Mr. Lawrence :

*Resolved*, That the resolution passed January twenty-seventh, eighteen hundred and seventy, authorizing the Senate Committee on Contingent Expenses to appoint Copying Clerks for the Senate, be and the same is hereby rescinded, and that the Secretary of the Senate be and is hereby authorized to appoint such Copying Clerks as by him may be deemed necessary during the present session of this body, and that the per diem be fixed at six dollars, payable out of the Contingent Fund of the Senate.

Adopted.

On motion of Mr. Lawrence, Senate took up Assembly messages.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 1st, 1870. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-sixth day of January, eighteen hundred and seventy, passed, under a suspension of the rules, Assembly Bill No. 86—An Act to authorize the construction and maintenance of a wharf in San Luis Obispo County.

Also, substitute for Assembly Bill No. 99—An Act to grant the right of way for a railroad track within the corporate limits of the City of Vallejo, in the County of Solano, to Edward McGettigan and Henry Conolly, their associates and assigns.

Also, Assembly Bill No. 115—An Act to authorize Michael C. Duffy, Charles A. Schiedel, Theodore A. Coult and Caleb E. Wilcoxon, and their associates and assigns, to construct and maintain a railroad in the City of Marysville, Yuba County, and the Town of Yuba City, Sutter County.

Also, substitute for Assembly Bill No. 128—An Act to amend an Act entitled an Act to amend section one hundred and twenty-one of an Act entitled an Act to regulate the settlement of estates of deceased persons.

Also, Assembly Bill No. 142—An Act authorizing the Board of Supervisors of Mono County to levy a special tax for a Contingent Fund.

Also, Assembly Bill No. 156—An Act to authorize the construction and maintenance of a wagon road between Indian Valley and Sierra Valley, in the County of Plumas.

Also, Assembly Bill No. 188—An Act granting leave of absence to Richard G. Watkins, District Attorney of Mono County.

Also, Assembly Bill No. 190—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of Trinity County to levy a special tax, approved April second, eighteen hundred and sixty-six.

And, on the twenty-seventh of January, eighteen hundred and seventy, under a suspension of the rules, passed Assembly Bill No. 155—An Act to amend an Act to separate the office of County Recorder from that of County Clerk, in the County of Alameda, and to provide for the election of a County Recorder therein, approved March thirtieth, eighteen hundred and sixty-eight.

Also, Assembly Bill No. 129—An Act to repeal an Act entitled an Act supplementary to an Act to prevent the trespassing of animals upon private property, approved March thirty-first, eighteen hundred and fifty-five, approved May seventeenth, eighteen hundred and sixty-one.

And, on the twenty-eighth of January, eighteen hundred and seventy, under a suspension of the rules, passed Assembly Bill No. 243—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplementary thereto.

And, on the thirty-first day of January, eighteen hundred and seventy, passed Assembly Bill No. 25—An Act to pay certain outstanding indebtedness of the County of Mono, incurred prior to the segregation of said county by virtue of the Act approved April twenty-seventh, eighteen hundred and sixty-three, to provide for surveying and establishing the eastern boundary of this State.

And, on to-day, under a suspension of the rules, passed Senate Bill No. 42—An Act to appropriate money to pay for services rendered the State by C. T. Overton.

MOFFITT,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 243, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 155, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 190, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 188, above reported, read first and second times and referred to the Judiciary Committee.

Substitute for Assembly Bill No. 128, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 86, above reported, read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 25, above reported, read first and second times and referred to the Finance Committee.

Assembly Bill No. 129, above reported, read first and second times and referred to the Committee on Agriculture.

Assembly Bill No. 156, above reported, read first and second times and referred to the Plumas delegation.

Assembly Bill No. 115, above reported, read first and second times and referred to the Committee on Corporations.

Substitute for Assembly Bill No. 99, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 142, above reported, read first and second times; rules suspended, bill considered engrossed, read a third time and passed.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
February 1st, 1870. }

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on this day, receded from its amendment to Senate Bill No. 2—An Act to repeal an Act entitled an Act to prohibit the carrying of concealed weapons, approved April twenty-seventh, eighteen hundred and sixty-three.

MOFFITT,  
Assistant Clerk.

#### GENERAL FILE.

Senate Bill No. 207—An Act for the payment of the salary of the County Judge of Tuolumne County.

Read a third time and passed.

Senate Bill No. 238—An Act making appropriations for deficiencies in the appropriations for the twenty-first fiscal year.

Read a third time and passed.

Assembly Bill No. 77—An Act to encourage the destruction of squirrels and gophers in certain counties of this State, and to provide for a bounty for the same.

Passed on file.

Senate Bill No. 215—An Act to establish and define the powers and duties of the Board of Education and of the City Superintendent of Common Schools of the City of Los Angeles.

Rules suspended, bill considered engrossed, read a third time and passed.

Messrs. Larkin, Betge, Burnett and McDougall asked and obtained leave to have their names recorded as voting for the resolutions rejecting the Fifteenth Amendment to the Constitution of the United States.

Mr. Orr asked and obtained leave to have his name recorded as voting against said resolutions.

#### REPORT.

Mr. Morrill, from the Committee on Enrolment, made the following report:

**MR. PRESIDENT:** Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 260—An Act to amend an Act entitled an Act to amend an Act entitled an Act to revise and amend an Act entitled an Act to incorporate the Town of Grass Valley, approved March twenty-fourth, eighteen hundred and

sixty-six, approved January twenty-second, eighteen hundred and seventy.

Also, an Act to amend an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty.

And this day, at eleven o'clock and twenty minutes A. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

On motion of Mr. Perkins, the usual number of copies of Senate Bill No. 211 was ordered printed.

On motion of Mr. Pendegast, at eleven o'clock and fifty minutes A. M., the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, February 2d, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITIONS.

By Mr. Murch—From citizens of Humboldt County for the passage of a bill providing for the payment of the debt of said county.

Also, remonstrance from citizens of Humboldt County, against the passage of a bill to fund the debt of said county.

Were severally read and referred to the Judiciary Committee.

By Mr. Orr—From the officers of the Ladies' Benevolent Association of the City of Stockton, for the relief of said association.

Read and referred to the Finance Committee.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 278—An Act to authorize the Supervisors of Kern County to levy a special tax for the County Current Expense Fund.

Also, Senate Bill No. 249—An Act for the relief of Gordon E. Sloss.

Also, Senate Bill No. 284—An Act to authorize the Board of Supervisors of the County of Amador to levy an additional tax for the county expenditures in said county.

Also, substitute for Senate Bill No. 134—An Act to repeal an Act entitled an Act for the encouragement of agriculture and manufactures in California, approved April twenty-fifth, eighteen hundred and sixty-two, and to repeal an Act entitled an Act for the encouragement of silk culture in this State, approved March thirtieth, eighteen hundred and sixty-eight.

Also, substitute for Senate Bill No. 213—An Act to authorize Bridget Stannah, administratrix of the estate of William Stannah, deceased, to sell the real estate belonging to said estate, in the City and County of San Francisco, at public or private sale.

O'CONNOR, Chairman.

Mr. Wand, from the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT: Your Committee on Contingent Expenses have had under consideration the resolution appropriating money to pay J. W. Hawkins for services rendered in the contested election case of P. W. Murphy against R. Pacheco, and herewith report the same back with the recommendation that it pass.

WAND, Chairman.

Mr. Hager, from the Judiciary Committee, made the following report :

MR. PRESIDENT: The Committee on Judiciary, having had under consideration Senate Bill No. 94—An Act to authorize the formation of special partnership; and also, Senate Bill No. 151—An Act to authorize the guardians of James T. Boyd, Jr., and Willie Alexander Boyd to sell certain real estate; and also, Senate Bill No. 152—An Act amendatory of an Act passed May the seventh, one thousand eight hundred and fifty-five, entitled an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May the first, one thousand eight hundred and fifty-one; and also, Senate Bill No. 168—An Act directing the Controller of State to draw a certain duplicate warrant—report the same back, with amendments to each of said bills, and recommend the adoption of the amendments and the passage of the several bills as amended.

Also, Senate Bill No. 107—An Act to provide for the culture of fish within the waters of this State—and report the same back, and recommend that the blank between the words "of" in first line and "thousand" in second line of section two be filled by inserting the word "five," so that the same shall read "five thousand," and recommend its passage.

Also, Senate Bill No. 138—An Act to authorize Elizabeth W. P. Keeney, administratrix of the estate of George Keeney, deceased, to sell certain lands of said estate—report the same back and recommend its passage.

Also, Senate Bill No. 142—An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one—report the same back and recommend that it do not pass.

HAGER, Chairman.

Mr. Hutchings, from the Committee on Roads and Highways, made the following report :

**MR. PRESIDENT:** Your committee, to whom was referred Assembly Bill No. 180—An Act to authorize the Board of Supervisors of Sutter County to issue bonds for road purposes—report favorably and recommend its passage.

Also, Assembly Bill No. 44—An Act concerning roads and highways in the County of Humboldt—we recommend its passage with the accompanying amendments.

HUTCHINGS, Chairman.

**MR. BANVARD,** from the Placer delegation, made the following report:

**MR. PRESIDENT:** Your special committee, the Placer delegation, to whom was referred Assembly Bill No. 102—An Act to create a Bridge Fund in the County of Placer, and to authorize the levy of a tax therefor—report that they have had the same under consideration, and recommend its passage.

BANVARD, for Delegation.

Report read and bill referred to the Committee on Roads and Highways.

**MR. SAUNDERS,** from the San Francisco delegation, made the following report:

**MR. PRESIDENT:** Your committee, composed of the Senators representing the City and County of San Francisco, to whom was referred Senate Bill No. 166—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof—having had the same under consideration, respectfully report the same back to the Senate and recommend its passage.

And also, Senate Bill No. 96—An Act to donate to the Society of California Pioneers the use and occupation of a certain piece of land in the City and County of San Francisco—having duly considered the same, report the same back to the Senate and recommend that it do not pass.

SAUNDERS, for Committee.

Senate Bill No. 96, above reported by the San Francisco delegation, was referred to the Committee on Corporations.

The rules were suspended and Senate Bill No. 166, above reported by the San Francisco delegation, was ordered on file.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
February 2d, 1870. }

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on yesterday, passed Assembly Bill No. 152—An Act for the relief of Patrick Creighton, James Brennan and Patrick Donohue.

Also passed, under a suspension of the rules, Senate Bill No. 245—An Act to authorize the Board of Supervisors of the County of Siskiyou to transfer moneys from a certain fund to certain other funds.

Also, under a suspension of the rules, passed Senate Bill No. 227—An Act amendatory of and supplementary to an Act entitled an Act to organize and regulate the Justices' Court in the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and sixty-six.

And, on the twenty-seventh of January, eighteen hundred and seventy, passed, under a suspension of the rules, Assembly Bill No. 182—An Act to authorize the Controller of State to credit the Treasurer of Tuolumne County with certain State poll tax receipts.

Also, Assembly Bill No. 203—An Act to repeal an Act entitled an Act to amend section eighteen of an Act to establish and maintain public pounds for the better securing of estrays and other stock in the County of Alameda, approved March thirty-first, eighteen hundred and sixty-six.

And, on January twenty-eighth, eighteen hundred and seventy, passed, under a suspension of the rules, Assembly Bill No. 238—An Act to legalize assessments of State and county taxes in the several townships of El Dorado County.

MOFFITT,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 182, above reported, read first and second times and referred to the Committee on State and County Revenue.

Assembly Bill No. 238, above reported, read first and second times and referred to the Committee on State and County Revenue.

Assembly Bill No. 203, above reported, read first and second times and referred to the Committee on Agriculture.

Assembly Bill No. 152, above reported, read first and second times and referred to the San Francisco delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Lewis—An Act to divide the State into congressional districts and fix the time to elect Representatives to Congress.

Read first and second times and referred to the Committee on Elections.

By Mr. Betge—An Act to authorize a railroad to be laid down in certain of the streets of the City and County of San Francisco, for grading purposes.

Read first and second times and referred to the San Francisco delegation, and ordered printed.

Also, an Act to equalize the rates of fare of the City Railroad Company with certain other street railroad companies in the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Minis—An Act to authorize Joseph B. Peairs and his associates and assigns to establish and maintain a steam ferry.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Saunders—An Act to provide for the sale and conveyance of certain submerged lands in the City and County of San Francisco to Henry B. Tichenor.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Hutchings—An Act to regulate salaries and fees in office in Yuba County.

Read first and second times and referred to the Yuba delegation.

By Mr. Hager—An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

By Mr. Lawrence—An Act to appropriate money to pay the outstanding Indian war bonds issued by the State of California under an Act of the Legislature approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto.

Read first and second times and referred to the Committee on Claims.

By Mr. Orr—An Act to authorize the Board of Supervisors of San Joaquin County to appropriate money for the use of the San Joaquin Valley Agricultural Society.

Read first and second times and referred to the Committee on Finance.

By Mr. Comte—An Act amendatory of and supplementary to an Act entitled an Act to provide for the construction of the State Capitol in the City of Sacramento, approved March twenty-ninth, eighteen hundred and sixty.

Read first and second times and referred to the Committee on Public Buildings.

#### RESOLUTION.

By Mr. Hager :

*Resolved*, That the rules of the Senate be amended as follows: Rule eleven, strike out "second," in first line, and insert "third." Rule twenty-nine, line one, strike out "upon the second," and insert "after the second;" line four, strike out the word "at" and insert "after."

#### GENERAL FILE.

Assembly Bill No. 77—An Act to encourage the destruction of squirrels and gophers in certain counties of this State, and to provide for a bounty for the same.

Passed on file.

Senate Bill No. 48—An Act for the relief and support of the California Labor and Employment Exchange.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Green, Hunter and Larkin, and the bill was passed, by the following vote:

**AYES**—Messrs. Betge, Burnett, Green, Hager, Hutchings, Irwin, Kincaid, Lawrence, Lewis, McDougall, Morrill, Perkins, Saunders, Tompkins, Turner, Tweed, Wand and Wing—18.

**NOES**—Messrs. Banvard, Chappell, Comte, Conn, Curtis, Farley, Fowler, Hunter, Larkin, Murch, O'Connor, Orr and Wilson—13.

On motion of Mr. Tompkins, Senate Bill No. 91 was taken from the table.

On motion, the rules were suspended, bill considered engrossed, read a third time and passed.

Mr. Hager moved that when the Senate adjourn, the same adjourn until Friday, at eleven o'clock A. M.

Carried.



Messrs. Burnett and Hunter had leave to have their names recorded as voting for the passage of Senate Bill No. 181.

Mr. Orr had leave to have his name recorded as voting against the passage of said bill.

At twelve o'clock and twenty minutes P. M., on motion of Mr. Green, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, February 4th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Wednesday read and approved.

## PETITIONS.

By Mr. Minis—From citizens of Yolo and Sacramento Counties, relative to the passage of a bill granting the California Pacific Railroad the right to come into the City of Sacramento.

Referred to the Sacramento and Yolo delegations.

By Mr. Pendegast—From citizens of Napa County, relative to the passage of a bill concerning the public schools in said county.

Referred to the Committee on Education.

## REPORTS.

Mr. Betge, from the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 167—An Act to extend the operation of the Act concerning trade names and marks, passed April third, eighteen hundred and sixty-three—report back a substitute, and recommend the passage of the substitute.

Also, Senate Bill No. 264—An Act in relation to the building of a wharf at the Harbor of San Simeon, in the County of San Luis Obispo—report the same back and recommend its passage.

Also, Senate Bill No. 262—An Act to provide for an official survey of the swamp and overflowed tide and salt marsh lands in Marin County—report the same back and recommend its passage.

Also, Senate Bill No. 273—An Act to create the office of Inspector of salted and barrelled beef, pork and fish—report back the same and recommend it do not pass.

Also, Assembly Bill No. 86—An Act to authorize the construction and maintenance of a wharf in San Luis Obispo County—report the same back and recommend its passage.

Also, Assembly Bill No. 118—An Act to authorize Lew Gerlock and his associates and assigns to construct and maintain a chute and moorings at Scott's Landing, on the Pacific Ocean, in Mendocino County—report back the same and recommend its passage.

Also, Assembly Bill No. 147—An Act to authorize Martin Bourn to construct and maintain a wharf and chute at Bourn's Landing, on the Pacific Ocean, in Mendocino County—report back the same and recommend its passage.

BETGE, Chairman.

Mr. Lewis, from the Committee on Elections, made the following report :

Mr. PRESIDENT: The Committee on Elections, to whom was referred the subject matter of the contested election case, wherein P. W. Murphy is contestant and R. Pacheco is respondent, have had the same under consideration, and report it back to the Senate and recommend the adoption of the following resolution :

*Resolved*, That P. W. Murphy be and he is hereby declared entitled to his seat as the Senator from the Third Senatorial District, composed of the Counties of Santa Barbara and San Luis Obispo.

LEWIS, Acting Chairman.

On motion of Mr. Lewis, the documents accompanying the report were ordered printed and made the special order for Thursday next, at two o'clock P. M., and that the parties be authorized to appear before the Senate, by attorney or otherwise.

Mr. Hager, from the Judiciary Committee, made the following report :

Mr. PRESIDENT: The Committee on Judiciary, having had under consideration Senate Bill No. 187—An Act for the relief of Caleb Dorsey, District Attorney of Tuolumne County ; also, Senate Bill No. 216—An Act to repeal an Act entitled an Act supplementary to the Act entitled an Act concerning crimes and punishments, approved April first, eighteen hundred and sixty-four—report the same back and recommend their passage.

Also, Senate Bill No. 173—An Act amendatory of an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty ; and Senate Bill No. 158—An Act to fix the rate of interest on indebtedness due from one county to another, arising from the division of counties—report the same back and recommend their indefinite postponement.

Also, Senate Bill No. 235—An Act to amend an Act, approved March twenty-fourth, eighteen hundred and sixty-four, entitled an Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three—report the same back, and recommend that the petition appended to the bill be stricken out, and that the bill pass.

Also, Senate Bill No. 223—An Act to provide for the improvement of public parks in the City of San Francisco—report the same back and recommend that it be amended by striking out the whole of section one,

numbering the following sections thus: Section two as section one, section three as section two, section four as section three, section five as section four, and so on; and that the bill be referred to the San Francisco delegation for their action, it being entirely local in all its parts except in section one.

Also, Assembly Bill No. 61—An Act to amend an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty; Senate Bill No. 172—An Act to amend an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three; Senate Bill No. 186—An Act to extend an Act entitled an Act concerning District Court reporters, approved March thirteenth, eighteen hundred and sixty-six, to the Seventeenth Judicial District of the State of California; Senate Bill No. 198—An Act supplemental to an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty; Senate Bill No. 231—An Act to amend an Act entitled an Act to create the Seventeenth Judicial District, approved March nineteenth, eighteen hundred and sixty-eight; and Senate Bill No. 56—An Act to authorize Harriet Wilkins, administratrix of the estate of Henry Wilkins, deceased, to sell the real and personal estate of said deceased—and report the same back with amendments, and recommend the adoption of the amendments and the passage of the several bills as amended.

HAGER, Chairman.

Mr. Tweed, from the Judiciary Committee, presented the following report:

MR. PRESIDENT: The Judiciary Committee, to which was referred Senate Bill No. 19—An Act supplemental to an Act entitled an Act concerning divorces, passed March twenty-fifth, eighteen hundred and fifty-one; and also, Senate Bill No. 63—An Act to amend an Act concerning divorces, passed March twenty-fifth, eighteen hundred and fifty-one—have had the same under consideration, and report the same back with a substitute for both bills, and by a majority of the committee recommend the passage of the substitute.

TWEED,  
For majority of Committee.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 79—An Act for the regulation of sailors' boarding houses and of shipping houses in the City and County of San Francisco.

Also, Senate Bill No. 215—An Act to establish and define the powers and duties of the Board of Education and of the City Superintendent of Common Schools of the City of Los Angeles.

O'CONNOR, Chairman.

Mr. Wand, from the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT: Your Committee on Contingent Expenses have had under consideration the bill presented by Nat. Boice, Sergeant-at-Arms,

for fitting up and furnishing certain committee rooms, and in connection therewith recommend the passage of the accompanying resolution.

**WAND, Chairman.**

**Mr. Maclay**, from the Committee on Education, made the following report :

**MR. PRESIDENT :** Your Committee on Education, to whom was referred Senate Bill No. 137—An Act to provide for levying a special tax to construct and furnish a public school house in Merced Falls School District, in Merced County—have had the same under consideration and recommend its passage.

**MACLAY, Chairman.**

**Mr. Hutchings**, from the Committee on Roads and Highways, made the following report :

**MR. PRESIDENT :** Your committee, to whom was referred Assembly Bill No. 34—An Act concerning public roads and highways in the County of Monterey ; also, Assembly Bill No. 102—An Act to create a Bridge Fund in the County of Placer, and authorize the levy of tax therefor ; also, Senate Bill No. 285—An Act entitled an Act concerning roads and highways in the County of Santa Clara—report favorably and recommend their passage.

**HUTCHINGS, Chairman.**

**Mr. Larkin**, from the Committee on State and County Revenue, made the following report :

**MR. PRESIDENT :** Your Committee on State and County Revenue, to whom was referred Assembly Bill No. 238, have had the same under consideration and would report the same back and recommend its passage.

**LARKIN, Chairman.**

Rules suspended, and Assembly Bill No. 238, above reported, considered engrossed, read a third time and passed.

**Mr. Curtis**, from the Committee on Claims, made the following report :

**MR. PRESIDENT :** The Committee on Claims have had under consideration Assembly Bill No. 5—An Act for the relief of Patrick Campbell ; also, Assembly Bill No. 123—An Act for the relief of James S. Houseman ; also, Assembly Bill No. 191—An Act for the relief of John W. Ball—and report the same back and recommend their passage.

**CURTIS, Chairman.**

**Mr. Fowler**, from the Committee on Agriculture, made the following report :

**MR. PRESIDENT :** The Committee on Agriculture, to whom was referred Senate Bill No. 144—An Act to provide for the restoration of fish in the waters of this State—respectfully report the same back with the following amendment. Strike out section three of the bill and insert the following :

**Section 3.** It shall be the duty of the Commissioners authorized to be appointed by this Act to require, as far as practicable, all persons, firms and corporations, who have erected mill-dams, water weirs or other obstructions on rivers or streams within the waters of this State, within six months after the passage of this Act to construct and keep in repair fish ways or fish ladders at such mill-dams, water weirs or obstructions, so that, at all seasons of the year, fish may ascend above such dam, weir or obstruction to deposit their spawn. Any person, firm or corporation owning such mill-dam or obstruction, who shall fail or refuse to construct and keep in repair such fish way or fish ladder after having been notified and required by the Commissioners to do so, shall be deemed guilty of misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed one hundred dollars for every such neglect or refusal. The fines and penalties that may be received for convictions under this section shall be paid one-half to the District Judge who shall prosecute the suit, and one-half to the Common School Fund of the county.

**FOWLER, Chairman.**

**Mr. Morrill, from the Committee on Enrolment, made the following report :**

**Mr. PRESIDENT :** Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 2—An Act to repeal an Act entitled an Act to prohibit the carrying of concealed weapons, approved April twenty-seventh, eighteen hundred and sixty-three.

Also, Senate Bill No. 42—An Act to appropriate money to pay for services rendered the State by Dr. C. T. Overton.

Also, Senate Bill No. 227 (substitute for Assembly Bill No. 2 and Senate Bill No. 95)—An Act amendatory of and supplementary to an Act to organize and regulate the Justices' Court in the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and sixty-six.

Also, an Act to authorize the Board of Supervisors of the County of Siskiyou to transfer moneys from a certain fund to certain other funds.

And on the third day of February, eighteen hundred and seventy, at one o'clock and ten minutes P. M., presented the same to the Governor for his approval.

**MORRILL, Chairman.**

**Mr. Banvard, from the Committee on Finance, made the following report :**

**Mr. PRESIDENT :** Your Committee on Finance respectfully report that they have had under consideration Senate Bill No. 67—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of San Joaquin to issue certain bonds and to provide for the payment of the principal and the interest thereon, approved April eighth, eighteen hundred and sixty-two—and recommend its passage.

**BANVARD, Chairman.**

**Mr. Saunders, from the San Francisco delegation, made the following report :**

**Mr. PRESIDENT:** Your committee, composed of the Senators representing the City and County of San Francisco, to whom was referred Senate Bill No. 126—An Act to ratify and confirm a certain conveyance made by the Board of Education of the City and County of San Francisco—having had the same under discussion, respectfully report the same back to the Senate and recommend its passage.

Also, Senate Bill No. 104—An Act to amend an Act entitled an Act to amend an Act supplementary to an Act entitled an Act to provide for a street railroad within the City and County of San Francisco, and other matters relating thereto, approved April twenty-first, eighteen hundred and sixty-three, the Act hereby amended having been approved March thirtieth, eighteen hundred and sixty-eight—having duly considered the same, report the same back to the Senate and recommend its passage.

Also, Senate Bill No. 192—An Act granting certain privileges to the Central Railroad Company of San Francisco—having duly considered the same, report the same back to the Senate with the following amendment, to wit: Strike out the word "one" at the end of line twelve of section one, and, as amended, recommend its passage.

Also, Senate Bill No. 117—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board—having had the same under consideration, report the same back to the Senate with the following amendments, to wit: 1st. At the end of subdivision second of section one, after the word "month," insert the word "each." 2d. Strike out the whole of subdivision fifth of section one, commencing at the word "fifth" on line one, page two, down to and including the word "dollars" on line three, same page. 3d. After the word "dollars" in line five of subdivision eighth of section one, on page two, insert: "*Ninth*—To pay out of the General Fund, for inclosing and improving the city cemetery and paying keeper thereof, the sum of six thousand five hundred (\$6,500) dollars." 4th. After the word "valuation" in line eight of section seven, page four, insert "in lieu of all other taxes for school purposes now allowed by law;" and as amended, recommend its passage.

Also, Senate Bill No. 236—An Act to provide funds for the School Department of the City and County of San Francisco—having duly considered the same, report the same back to the Senate with the following amendments, to wit: 1st. Strike out the word "two" between words "for" and "weeks" in line six of section three, page two, and insert in lieu thereof the word "four." 2d. After the word "county" in line seven of section three, page two, insert, "and two weeks in two daily newspapers of general circulation in the City of New York." 3d. After the word "year" in line eleven of section three, page two, insert "as provided in section six." 4th. After the word "Francisco" in line sixteen of section three, page two, insert "by and with the approval and consent of the Mayor of the City of San Francisco, whose consent shall also be necessary to the adoption of all plans and contracts for the purchase of school lots and building of school houses, as aforesaid." 5th. After the word "year" in line six of section six, page four, add "not exceeding the sum of (\$50,000) fifty thousand dollars;" and recommend its passage, as amended.

Also, Senate Bill No. 279—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof—having had the same under

consideration, report the same back to the Senate and recommend that it be indefinitely postponed.

Also, Senate Bill No. 224—An Act to ratify and confirm certain resolutions, ordinances and orders of the Board of Supervisors of the City and County of San Francisco, in reference to the Act of the Legislature of the State of California entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets—having had the same under discussion, report the same back to the Senate and recommend its indefinite postponement.

Also, Senate Bill No. 268—An Act to give effect, force and virtue to a certain contract made and entered into between the City of San Francisco and G. Wetzlar, his associates and assigns, dated the ninth day of May, eighteen hundred and sixty-six, and to confirm all orders of the Board of Supervisors of said city, made in reference to said contract—having had the same under consideration, report the same back to the Senate and recommend that it be indefinitely postponed.

Also, Senate Bill No. 86—An Act to legalize and confirm certain ordinances passed and contracts made by the Board of Supervisors of the City and County of San Francisco, relative to the removal of dead animals from the city limits—having duly considered the same, respectfully report the same back to the Senate and recommend that it be indefinitely postponed.

SAUNDERS, for Delegation.

The bills above reported from the San Francisco delegation were severally ordered on file.

Mr. Larkin, from the Committee on State and County Revenue, made the following report :

MR. PRESIDENT: Your Committee on State and County Revenue, to whom was referred Senate Bill No. 248, have had the same under consideration and would report the same back and recommend its passage.

LARKIN, Chairman.

Mr. Hutchings, from the Yuba delegation, made the following report :

MR. PRESIDENT: The Yuba delegation, to whom was referred Senate Bill No. 267—An Act to authorize the Board of Supervisors of Yuba County to levy and collect tolls on the Marysville and Brown's Valley Turnpike—report the same favorably and recommend its passage.

HUTCHINGS,  
BEACH.

On motion of Mr. Hutchings, the bill above reported was referred to the Committee on Roads and Highways.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, February —, 1870.

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate Bill No. 105—An Act to amend an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty.

Also, Senate Bill No. 260—An Act to amend an Act entitled an Act to amend an Act entitled an Act to revise and amend an Act entitled an Act to incorporate the Town of Grass Valley, approved March twenty-fourth, eighteen hundred and sixty-six, approved January twenty-second, eighteen hundred and seventy.

Also, Senate Bill No. 42—An Act to appropriate money to pay for services rendered the State by Dr. C. T. Overton.

Also, Senate Bill No. 245—An Act to authorize the Board of Supervisors of the County of Siskiyou to transfer moneys from a certain fund to certain other funds.

H. H. HAIGHT,  
 Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, February —, 1870.

*To the Senate of the State of California :*

I have to request your honorable body to notify the Assembly of the reception of the documents transmitted with the accompanying message.

H. H. HAIGHT,  
 Governor.

[For message, see Appendix.]

On motion of Mr. Maclay, message of the Governor was transmitted to the Assembly, and the usual number of the same ordered printed.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
 February 4th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the thirty-first day of January, eighteen hundred and seventy, passed, under a suspension of the rules, Assembly Bill No. 221—An Act for the relief of W. D. Perkins.

And on February first, instant, under a suspension of the rules, passed Assembly Bill No. 166—An Act for the relief of Sam. Clayton.

Also, Assembly Bill No. 226—An Act to legalize the name of Lake Bigler.

Also, substitute for Assembly Bill No. 84—An Act to declare Adela Thompson of lawful age.

Also, substitute for Assembly Bill No. 53—An Act to provide for the payment of the salary of the County Judge of Kern County.

Also, substitute for Assembly Bill No. 206—An Act to legalize and make valid the election of certain officers, and to prescribe their duties, in and for the County of Amador.

Also, Assembly Bill No. 170—An Act to authorize the Governor of



the State of California to appoint three additional Notaries Public for the County of Santa Clara.

Also, Assembly Bill No. 204—An Act to amend an Act, approved March twelfth, eighteen hundred and sixty-eight, entitled an Act to provide for the drainage of the City of Sacramento and of the lands of Swamp Land District Number Two.

Also, passed, on February second, Assembly Bill No. 181—An Act for the relief of the District Collector of Revenue Districts One, Two, Three and Four, in Tuolumne County.

Also, Assembly Bill No. 293—An Act to provide for the payment of deficiency in the State Insane Asylum Fund.

Also, Assembly Bill No. 153—An Act relating to the Board of Education of the City and County of San Francisco, and more particularly defining its powers and duties.

Also, Assembly Bill No. 126—An Act to authorize the Wacoma Water Company to construct aqueducts over certain lands therein named, and to lay down water pipes in the public streets in the City of San Diego and Town of South San Diego.

Also, substitute for Assembly Bill No. 21—An Act to amend an Act entitled an Act to protect sheep and Cashmere and Angora goats against the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six.

Also, passed on yesterday, February third, Assembly Bill No. 150—An Act to amend an Act entitled an Act to provide for the appointment of Notaries Public, and to define their duties.

Also, Assembly Bill No. 88—An Act to amend an Act to regulate proceedings in civil cases in Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Also, Senate Concurrent Resolution No. 23—Relative to adding one more to the joint rules of Senate and Assembly.

Also, substitute for Senate Bill No. 5—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, passed May seventeenth, eighteen hundred and sixty-one.

Also, Senate Bill No. 33—An Act for the relief of L. P. Hall and Samuel J. Garrison.

Also, Senate Bill No. 181—An Act to expunge from the journal the judgment of the Senate, entered against James H. Hardy on the fourteenth day of May, eighteen hundred and sixty-two.

Also, Senate Bill No. 278—An Act to authorize the Supervisors of Kern County to levy a special tax for the County Current Expense Fund.

Also, Senate Bill No. 26—An Act to pay the claim of H. F. Hastings, assignee of George Seckel, Clerk of the Supreme Court.

Also, Senate Bill No. 98—An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

MOFFITT,

Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 221, above reported, read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 233, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 150, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 88, above reported, read first and second times and referred to the Judiciary Committee.

Substitute for Assembly Bill No. 84, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 226, above reported, read first and second times and placed on file.

Assembly Bill No. 166, above reported, read first and second times and referred to the Committee on Claims.

Assembly Bill No. 181, above reported, read first and second times and referred to the Committee on Claims.

Assembly Bill No. 53, above reported, read first and second times and referred to the Tulare delegation.

Assembly Bill No. 206, above reported, read first and second times and referred to the Committee on Elections.

Assembly Bill No. 170, above reported, read first and second times and referred to the Santa Clara delegation.

Assembly Bill No. 204, above reported, read first and second times and referred to the Sacramento delegation.

Assembly Bill No. 293, above reported, read first and second times and referred to the Finance Committee.

Assembly Bill No. 153, above reported, read first and second times and referred to the Committee on Education.

Assembly Bill No. 126, above reported, read first and second times and referred to the San Diego delegation.

Substitute for Assembly Bill No. 21, above reported, read first and second times and referred to the Finance Committee.

Substitute for Senate Bill No. 5, above reported, read first and second times and referred to the Finance Committee.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Hager—An Act to prevent the destruction of timber on the sixteenth and thirty-sixth sections, reserved for school purposes, and on Agricultural College lands.

Read first and second times and referred to the Committee on Public Lands.

By Mr. Saunders—An Act to amend an Act entitled an Act to regulate the interest of money, approved March thirteenth, eighteen hundred and fifty, and the Act to amend the same, approved March thirtieth, eighteen hundred and sixty-eight.

Read first and second times and referred to the Judiciary Committee.

By Mr. Maclay—An Act to amend an Act entitled an Act defining the rights of husband and wife, passed April seventeenth, eighteen hundred and fifty, amended May twelfth, eighteen hundred and sixty-two.

Read first and second times and referred to the Judiciary Committee.

By Mr. Wand—An Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public and defining their duties, approved April twenty-fifth, eighteen hundred and sixty-two.

Read first and second times and referred to the Judiciary Committee.

By Mr. Minis—An Act for the relief of Mary Likins and others.

Read first and second times and referred to the Judiciary Committee.

By Mr. Tompkins—An Act to amend an Act entitled an Act to amend

an Act entitled an Act to amend an Act entitled an Act amendatory of and supplementary to an Act in relation to personal mortgages in certain cases, passed May eleventh, eighteen hundred and fifty-three, approved April twenty-ninth, eighteen hundred and fifty-seven, and Act amendatory thereof, approved April eighteenth, eighteen hundred and sixty-three, and Act amendatory thereof, approved March twenty-fourth, eighteen hundred and sixty-four.

Read first and second times and referred to the Judiciary Committee.

By Mr. Betge—An Act to provide against double taxation and for the relief of those who have paid tax on mortgages.

Read first and second times and referred to the Judiciary Committee.

By Mr. Saunders—An Act to amend an Act entitled an Act to authorize the incorporation of canal companies and the construction of canals, approved May fourteenth, eighteen hundred and sixty-two.

Read first and second times and referred to the Committee on Corporations.

By Mr. Maclay—An Act authorizing the Trustees of the San Francisco Lying-in Hospital and Foundling Asylum to take the charge of, bind out and give away children coming under their care.

Read first and second times and referred to the Committee on Hospitals, and ordered printed.

By Mr. Larkin—An Act to provide for the payment of certain outstanding bonds of the State of California.

Read first and second times and referred to the Committee on Claims.

By Mr. Pacheco—An Act to provide for the liquidation of the floating indebtedness of the County of Santa Barbara, and to repeal sections eight and eleven of an Act entitled an Act to fix the compensation of officers, to provide for funding the floating debt of the County of Santa Barbara and prohibit the contracting of any new indebtedness against said county, approved April fourth, eighteen hundred and sixty-four.

Read first and second times and referred to the Committee on Claims.

By Mr. Pacheco—An Act to authorize the Board of Supervisors of Santa Barbara County to pay the claims of Assa Porter and Augustine Janssens.

Read first and second times and referred to the Committee on Claims.

By Mr. Banvard—An Act to provide for the payment of certain witnesses in the case of the People of the State of California vs. Horace Smith.

Read first and second times and referred to the Committee on Claims.

By Mr. Wand—An Act to authorize the State Treasurer to transfer certain funds from the General Fund to the Military Fund.

Read first and second times and referred to the Finance Committee.

By Mr. Minis—An Act to authorize parties herein named the right to construct and maintain a wharf in the County of Solano.

Read first and second times and referred to the Committee on Commerce and Navigation.

#### MOTIONS AND RESOLUTIONS.

By Mr. Betge:

*Resolved*, That his Excellency the Governor be and is hereby requested to send to the Senate Chamber the American flag presented by Mr. Neumann to the State of California.

Adopted.

By Mr. Irwin :

*Resolved*, That the Sergeant-at-Arms be and he is hereby required to procure two clocks, and have them placed one on each side of the Senate Chamber, that they can be seen from the President's chair and from every point on the floor of the Senate, the cost of said clocks to be paid out of the Contingent Fund of the Senate.

Rules suspended and resolution adopted.

By Mr. Minis :

*Resolved*, That E. C. Chambers be and is hereby appointed Assistant Paper-folder of the Senate, at three (3) dollars per diem, payable out of the Contingent Fund of the Senate.

Read and referred to the Committee on Contingent Expenses.

On motion of Mr. Hager, Senate Bill No. 223, reported back by the Judiciary Committee, was referred to the San Francisco delegation.

On motion, Senate Bill No. 257 was ordered printed.

#### GENERAL FILE

Senate Bill No. 146—An Act to divide the City of Oakland into wards and to provide for the holding of elections therein.

Ordered on top of file for Friday next, February eleventh.

Assembly Bill No. 77—An Act to encourage the destruction of squirrels and gophers in certain counties of this State, and to provide for a bounty for the same.

Referred to the San Joaquin, Mariposa, Santa Clara and Contra Costa delegations.

Assembly Bill No. 44—An Act concerning roads and highways in the County of Humboldt.

Referred to the Humboldt delegation.

Assembly Bill No. 180—An Act to authorize the Board of Supervisors of Sutter County to issue bonds for road purposes.

Read a third time and passed.

Senate Bill No. 134—An Act to repeal an Act entitled an Act for the encouragement of agriculture and manufactures in California, approved April twenty-fifth, eighteen hundred and sixty-two, and to repeal an Act entitled an Act for the encouragement of silk culture in this State, approved March thirtieth, eighteen hundred and sixty-eight.

Referred to the Judiciary Committee.

Senate Bill No. 94—An Act to authorize the formation of special partnerships.

Amendment of committee adopted.

Mr. Tompkins moved to strike out section twelve of the bill.

On the motion to strike out, the ayes and noes were demanded by Messrs. Larkin, Perkins and Roberts, and the Senate refused, by the following vote :

**AYES**—Messrs. Banvard, Betge, Chappell, Conly, Conn, Lawrence, Lewis, O'Connor, Orr, Roberts, Tompkins and Wing—12.

**NOES**—Messrs. Beach, Curtis, Hager, Kincaid, Larkin, Maclay, Minis, Morrill, Murch, Perkins, Saunders, Tweed and Wilson—13.

The bill was then ordered engrossed.

Senate Bill No. 133—An Act to authorize Elizabeth W. P. Kenny, administratrix of the estate of George Kenny, deceased, to sell certain lands of said estate.

Ordered engrossed.

Senate Bill No. 168—An Act directing the Controller of State to draw a certain duplicate warrant.

Amendment of committee adopted and bill ordered engrossed.

Senate Bill No. 151—An Act to authorize the guardians of James T. Boyd, Jr., and Willie Alexander Boyd, to sell certain real estate.

Amendment of committee adopted and bill ordered engrossed.

Senate Bill No. 107—An Act to provide for the culture of fish within the waters of this State—and Senate Bill No. 143 were severally referred to a special committee of three.

Senate Bill No. 152—An Act amendatory of an Act entitled an Act to regulate proceedings in civil cases

Amendment of committee adopted and bill ordered engrossed.

[President pro tem., Mr. Lewis, in the chair.]

Senate Bill No. 166—An Act to confer additional powers upon the Board of Supervisors and the Auditor and Treasurer of the City and County of San Francisco.

Ordered engrossed.

Senate Bill No. 142—An Act to amend an Act entitled an Act to regulate proceedings in civil cases.

Ordered engrossed.

Senate resolution, relative to paying James W. Hawkins five hundred and forty-six dollars, for services rendered in contested election case of P. W. Murphy against R. Pacheco.

Adopted.

On motion of Mr. Maclay, at two o'clock and ten minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest : JOSEPH ROBERTS, Jr., Secretary of Senate.

IN SENATE.

SENATE CHAMBER,  
Saturday, February 5th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The President of the Senate presented the report of the Secretary of the Industrial School.

Referred to the Committee on Education.

The President of the Senate announced the appointment of the following special committee on the preservation of fish: Messrs. Green, Hager and Turner.

#### PETITIONS.

By Mr. Farley—From citizens of the State of California, for the repeal of the law of this State requiring taxes to be paid in gold.

Referred to the Committee on Finance.

By Mr. Saunders—Protest from citizens of the City of San Francisco against the passage of a bill for the extension of Montgomery street, in said city.

Referred to the San Francisco delegation.

By Mr. Comte—Petition from the lady Managers of the Protestant Orphan Asylum of Sacramento.

Referred to the Finance Committee.

#### REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 133—An Act to authorize Elizabeth W. P. Kenny, administratrix of the estate of George Kenny, deceased, to sell certain lands of said estate.

Also, Senate Bill No. 168—An Act directing the Controller of State to draw a certain duplicate warrant.

Also, Senate Bill No. 166—An Act to confer additional powers upon the Board of Supervisors and the Auditor and Treasurer of the City and County of San Francisco.

Also, Senate Bill No. 152—An Act amendatory of an Act, passed May seventh, eighteen hundred and fifty-five, entitled an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Also, Senate Bill No. 91—Bill ratifying and confirming action of Common Council of the City of Oakland, for relief of John Scott.

Also, Concurrent Resolution No. 23—Relative to additional joint rule regarding amendments to bills, etc.

O'CONNOR, Chairman.

Mr. Hager, from the Judiciary Committee, made the following report:

MR. PRESIDENT: The Committee on Judiciary, to whom was referred the following bills: Senate Bill No. 69—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof; Senate Bill No. 116—An Act to fix and regulate the salaries of the Auditor's Clerk and the Deputy Treasurers of the City and County of San Francisco, and Assembly Bill No. 28—An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay a certain claim of P. W. Van Winkle—find no objection to the same in matters of form, and report them back for the consideration of the Senate.

The committee have had, also, under consideration, the following bills: Senate Bill No. 250—An Act to authorize Eliza Madison Hartley, administratrix of the estate of Henry Hare Hartley, deceased, to sell real property belonging to said estate; Senate Bill No. 259—An Act to

amend an Act entitled an Act defining the time of commencing civil actions, approved April twenty-second, eighteen hundred and fifty; Assembly Bill No. 155—An Act to amend an Act to separate the office of County Recorder from that of County Clerk in the County of Alameda, and to provide for the election of a County Recorder therein, approved March thirtieth, eighteen hundred and sixty-eight; Assembly Bill No. 188—An Act granting leave of absence to Richard G. Watkins, District Attorney of Mono County, and Assembly Bill No. 190—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of Trinity County to levy a special tax, approved April second, eighteen hundred and sixty-six—and report the same back with amendments, and recommend the adoption of the amendments and the passage of the several bills as amended.

Also, your committee report back Senate Bill No. 295—An Act to aid the Mercantile Library Association of the City and County of San Francisco in paying its indebtedness—without amendment, and recommend its passage.

HAGER, Chairman.

Mr. Curtis, from the Committee on Claims, verbally reported back Senate Bill No. 159, with the recommendation that the same be referred to the Tuolumne delegation.

The bill was so referred.

Mr. Saunders, from the San Francisco delegation, made the following report:

MR. PRESIDENT: Your committee, composed of the Senators representing the City and County of San Francisco, to whom was referred Senate Bill No. 165—An Act in relation to the Omnibus Railroad Company in the City and County of San Francisco—having duly considered the same, respectfully report the same back to the Senate and recommend its passage.

SAUNDERS, for Delegation.

Rules suspended and bill ordered on file.

Mr. Fowler, for the Kern delegation, made the following report:

MR. PRESIDENT: Assembly Bill No. 53—An Act to provide for the payment of the salary of the County Judge of Kern County—referred to the delegation, beg leave to report it back and recommend its passage.

FOWLER, for Delegation.

Rules suspended and bill ordered on file.

By Mr. Lawrence:

MR. PRESIDENT: The special committee appointed to "go-for" Assembly Bill No. 77—An Act to encourage the destruction of squirrels and gophers in certain counties of this State, and to provide for a bounty for the same—have had the bill under consideration, and report the same back, recommending its passage, with the following amendment: Amend by inserting in section three, after the word "Stanislaus," the words "San Joaquin, Santa Clara and Merced."

LAWRENCE,  
ORR,  
GREEN,  
MACLAY,

Squirrel and Gopher Committee.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 4th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 201—An Act making appropriations for payment of claims for furniture, carpets, etc., purchased by the Secretary of State, for furnishing the new State Capitol, and Supreme Court and Supreme Judges' rooms.

Also, Senate Bill No. 92—An Act for the incorporation of the City of Anaheim.

Also, substitute for Assembly Bill No. 76—An Act to incorporate the City of Gilroy.

MOFFITT,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Substitute for Assembly Bill No. 76, above reported, read first and second times and referred to the Committee on Corporations.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 5th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on Thursday, the third instant, passed Assembly Bill No. 121—An Act to amend an Act entitled an Act to protect sheep and lambs in this State.

Also, Assembly Bill No. 51—An Act for the relief of the San Francisco Cadets.

Also, Assembly Bill No. 302—An Act to amend an Act entitled an Act to separate the office of County Recorder from that of County Clerk, in the County of Alameda, and to provide for the election of a County Recorder therein, approved March thirtieth, eighteen hundred and sixty-eight.

Also, Assembly Bill No. 297—An Act to authorize the Treasurer of Tuolumne County to pay certain outstanding warrants against said county.

And, on yesterday, passed Assembly Bill No. 71—An Act amendatory of and supplemental to an Act entitled an Act to establish a paid fire department for San Francisco, approved March second, eighteen hundred and sixty-six.

Also, adopted the following concurrent resolution :

Assembly Concurrent Resolution No. 28—*Resolved* by the Assembly, the Senate concurring, That the Committees on Education of the Assembly and Senate are directed to visit the State University, State Normal School, Deaf and Dumb Asylum and such other educational institutions as receive State aid.

CRAWFORD,  
Assistant Clerk.



## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 121, above reported, read first and second times and referred to the Committee on Agriculture.

Assembly Bill No. 51, above reported, read first and second times and referred to the Committee on Claims.

Assembly Bill No. 302, above reported, read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 297, above reported, read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 71, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Concurrent Resolution No. 28, above reported, concurred in by the Senate.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Wing—An Act to provide for the payment of interest on the debt due from the County of Stanislaus to the County of Tuolumne.

Read first and second times and referred to the Judiciary Committee, and ordered printed.

By Mr. Minis—An Act to authorize the State Librarian to appoint an additional deputy and to fix the compensation therefor.

Read first and second times and referred to the Committee on State Library.

By Mr. Orr—An Act to empower the City of Stockton to aid in the construction of the Stockton and Visalia Railroad

Read first and second times and referred to the Committee on Corporations.

By Mr. Maclay—An Act to authorize the construction of a railroad from the Town of Santa Clara to the City of San José, in the County of Santa Clara.

Read first and second times and referred to the Committee on Corporations.

By Mr. Tompkins—An Act to provide for paying certain claims against the City of Oakland and to contract a funded debt for that purpose.

Read first and second times and referred to the Committee on Corporations.

By Mr. Pendegast—An Act to authorize the construction of a wharf at Vallejo, Solano County.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Tompkins—An Act supplementary to an Act entitled an Act to authorize the Board of Managers of the San Francisco Orphan Asylum Society, or any other orphan asylum society in this State, to bind as apprentices, clerks or servants, orphan and half-orphan children under their care and tuition, approved February twenty-second, eighteen hundred and sixty.

Read first and second times and referred to the Committee on Hospitals.

By Mr. Hager—An Act to amend an Act entitled an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one, passed March fifth, eighteen hundred and sixty-two.

Read first and second times and referred to the Judiciary Committee.

By Mr. Saunders—An Act to amend an Act to authorize the taking of depositions in foreign countries, approved May tenth, eighteen hundred and sixty-one.

Read first and second times and referred to the Judiciary Committee.

Also, an Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

By Mr. Conly—An Act to authorize the Board of Supervisors of Plumas County to build certain wagon roads in said county.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Saunders—An Act amendatory and supplemental to an Act entitled an Act to provide for the formation of corporations for certain purposes, passed April fourteenth, eighteen hundred and fifty-three.

Read first and second times and referred to the Committee on Mines and Mining Interests.

By Mr. Minis—An Act for the encouragement of agriculture in this State.

Read first and second times and, with accompanying documents referred to the Committee on Agriculture.

By Mr. Conly—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the incorporation of mutual insurance companies for the insurance of life and health and against accidents approved April second, eighteen hundred and sixty-six, approved March thirtieth, eighteen hundred and sixty-eight.

Read first and second times and placed on file.

Messrs. Turner and Larkin were granted leave of absence for one day.

#### MOTIONS, RESOLUTIONS AND NOTICES.

By Mr. Betge:

*Resolved*, That when the Senate adjourn, it adjourn to meet again at two and a-half o'clock on Monday next.

Adopted.

On motion of Mr. Roberts, Senate Bill No. 173 was taken from the file and recommitted to the Judiciary Committee.

By Mr. Tompkins:

*Resolved*, That the Secretary of the Senate be directed to have prepared a numerical list of all bills introduced into the Senate, giving the number, the title and by whom introduced, and leaving a blank column for notes or memoranda; that the usual number of copies be printed, and that the same be continued, from time to time, as often as the number of bills introduced shall be sufficient to occupy an additional page, to be printed in such form as to correspond with the portion previously printed.

Adopted.

[Mr. Roberts in the chair.]

By Mr. Lawrence—Pursuant to notice the following resolution in reference to a rule of the Senate, adopted in the early part of the session, is respectfully submitted:

*Resolved*, That the San Francisco delegation are hereby excepted from the rule requiring all bills referred to delegation committees to be subsequently referred to a standing committee; but such subsequent reference shall be had at the request of any one member of the delegation in committee, or any Senator on the floor of the Senate.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Wand, Betge and Pendegast, and the Senate refused, by the following vote:

**AYES**—Messrs. Banvard, Comte, Conly, Curtis, Hager, Irwin, Kincaid, Lawrence, Lewis, Minis, Perkins, Saunders, Tompkins, Tweed, Wand, Wilson and Wing—17.

**NOES**—Messrs. Beach, Betge, Chappell, Conn, Farley, Fowler, Green, Hutchings, Maclay, Murch, O'Connor, Pendegast and Roberts—13.

Mr. Betge gave notice that he would, on Monday next, move to reconsider the vote just taken, by which the foregoing resolution was lost.

#### REPORTS.

Mr. Morrill, from the Committee on Enrolment, made the following report:

**MR. PRESIDENT:** Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 278—An Act to authorize the Supervisors of Kern County to levy a special tax for the County Current Expense Fund.

Also, Senate Bill No. 26—An Act to pay the claim of H. F. Hastings, assignee of George Seckel, Clerk of the Supreme Court.

Also, Senate Bill No. 33—An Act for the relief of L. P. Hall and Samuel J. Garrison.

And this day, at twelve o'clock and twenty-five minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. Curtis, from the Committee on Claims, had leave to make the following report:

**MR. PRESIDENT:** The Committee on Claims, to whom was referred Senate Bill No. 102—An Act to pay the estate of Peter Seilor, deceased, to his legal heirs—have had the same under consideration, and report it back with a substitute, and recommend the passage of the substitute.

CURTIS, Chairman.

Mr. Betge, from the Committee on Commerce and Navigation, had leave to make the following report:

**MR. PRESIDENT:** Your Committee on Commerce and Navigation herewith report back Assembly Bill No. 38—An Act providing for a preliminary survey of the harbor of Santa Cruz and Salinas Slough, in Monterey Bay—and recommend its passage.

BETGE, Chairman.

At twelve o'clock and fifty-five minutes p. m. Mr. Green moved to adjourn.

Upon the motion to adjourn, the ayes and noes were demanded by Messrs. Green, Beach and Maclay, and the motion prevailed, by the following vote:

**AYES**—Messrs. Beach, Chappell, Conly, Farley, Green, Irwin, Kincaid, Lawrence, Lewis, Maclay, Minis, Morrill, Pacheco, Perkins, Saunders, Tompkins, Tweed, Wand, Wilson and Wing—20.

**NOES**—Messrs. Banvard, Beach, Comte, Conn, Curtis, Fowler, Hager, Murch, O'Connor, Pendegast and Roberts—11.

The Senate stood adjourned until Monday next, at half-past two o'clock p. m.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

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## IN SENATE.

SENATE CHAMBER,  
Monday, February 7th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

Messrs. Green and Chappell were granted leave of absence for one day.

## PETITIONS.

By Mr. Murch—From citizens of Humboldt County, relative to the passage of a bill to provide for the payment of the debt of said county.

Referred to the Judiciary Committee.

By Mr. Maclay—From citizens of Santa Clara, protesting against the passage of a bill providing for the introduction of steam power as the motive power for propelling certain cars on the Santa Clara and San José Railroad.

Read and referred to the Committee on Corporations.

By Mr. Saunders—From citizens of San Francisco, protesting against the passage of a bill providing for the extension of Montgomery street, in said city.

Read and referred to the San Francisco delegation.

By Mr. Minis—From citizens of Yolo County, for the passage of a bill now before the Senate, relative to the California Pacific Railroad.

Referred to the Committee on Corporations.

By Mr. O'Connor—From citizens of the State of California, relative to the passage of a law in regard to retail dealers in alcoholic liquors.

Referred to the Committee on Public Morals.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 94—An Act to authorize the formation of special partnerships.

Also, Senate Bill No. 142—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one

Also, Senate Bill No. 151—An Act to authorize the guardians of James J. Boyd, Jr., and Willie Alexander Boyd, to sell certain real estate.

Also, Senate Bill No. 107—An Act to provide for the culture of fish within the waters of this State.

O'CONNOR, Chairman.

Mr. Lewis, from the Committee on Elections, made the following report :

Mr. PRESIDENT: The Committee on Elections, to whom was referred Senate Bill No. 301—An Act to divide the State into congressional districts and fix the time of electing representatives to Congress—have had the same under consideration, and report the same back and recommend its passage.

LEWIS, Chairman.

Mr. Maclay, from the Committee on Education, made the following report :

Mr. PRESIDENT: The Committee on Education, to whom was referred Assembly Bill No. 153—An Act relating to the Board of Education of the City and County of San Francisco and more particularly defining its powers and duties—have had the same under consideration and recommend its passage.

MACLAY, Chairman.

The rules were suspended and bill referred to the San Francisco delegation.

Mr. Burnett, from the Committee on Public Expenditures, made the following report :

Mr. PRESIDENT: The Committee on Public Expenditures have examined Senate Bill No. 265, and report the same back and recommend its passage.

BURNETT, Chairman.

Mr. Maclay, for the Santa Clara delegation, made the following report :

Mr. PRESIDENT: The Santa Clara delegation, to whom was referred Assembly Bill No. 170—An Act to authorize the Governor to appoint three additional Notaries Public for the County of Santa Clara—have had the same under consideration and report the same back and recommend its passage.

MACLAY, Chairman.

Rules suspended and bill placed on file.

Mr. Murch, from the Humboldt delegation, made the following report :

Mr. PRESIDENT: The Humboldt delegation, to whom was referred Assembly Bill No. 14—An Act concerning roads and highways in the County of Humboldt—have had the same under consideration and respectfully report it back with a substitute, and recommend the adoption of the substitute.

MURCH, for Delegation.

The bill and substitute above reported were referred to the Committee on Roads and Highways.

Mr. Curtis, from the Sacramento delegation, made the following report :

Mr. PRESIDENT: The Sacramento delegation, to whom was referred Senate Bill No. 300—An Act concerning Notaries Public in Sacramento County—report the same back and recommend its passage.

CURTIS,  
COMTE.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Beach—An Act to amend an Act entitled an Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the establishment, maintenance and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three, approved March twenty-fourth, eighteen hundred and sixty-six, and approved March fourteenth, eighteen hundred and sixty-eight.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

Also, an Act supplemental to an Act to regulate the care and maintenance of the indigent sick in and for Yuba County, approved April eighteenth, eighteen hundred and sixty.

Read first and second times and referred to the Yuba delegation.

Also, an Act supplemental to an Act concerning public ferries and toll bridges, approved April twenty-eighth, eighteen hundred and fifty-five.

Read first and second times and referred to the Committee on Corporations.

By Mr. Hager—An Act to provide for the recording of certified copies of final decrees of partition of real estate.

Read first and second times and referred to the Judiciary Committee.

By Mr. Farley—An Act for the relief of Francis McGrath.

Read first and second times and referred to the Committee on Claims.

#### MOTIONS, RESOLUTIONS AND NOTICES.

By Mr. Hager:

*Resolved*, That in the printed list of bills ordered by the resolution passed on Saturday last, there be added thereto the present situation of each bill.

Adopted.

Mr. Gwin had leave to have his name recorded as voting for the adoption of the resolutions rejecting the Fifteenth Amendment to the Constitution.

Messrs. Turner and Pacheco had leave to have their names recorded as voting against said resolutions.

#### GENERAL FILE.

Assembly Bill No. 191—An Act for the relief of John W. Ball.

Upon ordering the bill read a third time, the ayes and noes were demanded by Messrs. Comte, Curtis and Minis, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Beach, Betge, Burnett, Conn, Curtis, Farley, Fowler, Gwin, Hunter, Irwin, Lawrence, Lewis, Maclay, McDougall, Minis, Morrill, O'Connor, Pendegast, Perkins, Roberts, Saunders, Turner, Tweed, Wand, Wilson and Wing—27.

**NOES**—Messrs. Comte, Murch, Orr and Tompkins—4.

The bill was read a third time and passed.

Assembly Bill No. 5—An Act for the relief of Patrick Campbell.

Referred to the San Francisco delegation.

Senate Bill No. 79—An Act for the regulation of sailor boarding houses in the City and County of San Francisco.

Read a third time and passed.

Assembly Bill No. 147—An Act to authorize Morton Bourn to construct and maintain a wharf and chute at Bourn's Landing, on the Pacific Ocean, in Mendocino County.

Read a third time and passed.

Assembly Bill No. 118—An Act to authorize Lew Gerlock and his associates and assigns to construct and maintain a chute and moorings at Scott's Landing, on the Pacific Ocean, in Mendocino County.

Read a third time and passed.

On motion of Mr. Burnett, the rules were suspended and Senate took from the table Assembly Bill No. 43.

Amendment of committee adopted. Bill read a third time and passed.

Assembly Bill No. 86—An Act to construct and maintain a wharf in San Luis Obispo County.

Passed on file.

Assembly Bill No. 123—An Act for the relief of James S. Houseman.

Read a third time and passed.

Assembly Bill No. 102—An Act to create a Bridge Fund in the County of Placer, and to authorize the levy of a tax therefor.

Read a third time and passed.

Assembly Bill No. 34—An Act concerning roads and highways in the County of Monterey.

Passed on file.

Assembly Bill No. 226—An Act to legalize the name of Lake Bigler.

Upon ordering the bill read a third time, the ayes and noes were demanded by Messrs. Beach, Lawrence and Lewis, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Betge, Burnett, Comte, Conn, Curtis, Farley, Fowler, Hager, Hunter, Hutchings, Irwin, Lawrence, Lewis, Maclay, McDougall, Minis, Morrill, O'Connor, Pacheco, Pendegast, Saunders and Tompkins—22.

NOES—Messrs. Banvard, Beach, Murch, Perkins, Roberts, Turner, Tweed, Wilson and Wing—9.

The bill was read a third time and passed.

Assembly Bill No. 61—An Act to amend an Act concerning crimes and punishments.

Read a third time and passed.

Substitute for Senate Bills Nos. 19 and 63, entitled an Act to amend an Act concerning divorces, passed March thirtieth, eighteen hundred and fifty-one.

Substitute reported by Judiciary Committee adopted.

Mr. Farley moved to strike out section two.

Lost.

The bill was then ordered engrossed.

#### REPORT.

Mr. Morrill, from the Committee on Enrolment, made the following report :

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 201—An Act making appropriations for payment of claims for furniture, carpets, etc., purchased by the Secretary of State for furnishing the new State Capitol, and for furnishing Supreme Court room, Supreme Judges' rooms, etc.

And this day, at three o'clock and thirty minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. Hager had leave to introduce the following resolution :

*Resolved*, That his Excellency the Governor be requested to return to the Senate the enrolled substitute for Senate Bill No. 227—An Act amendatory of and supplementary to an Act entitled an Act to organize and regulate the Justices' Court in the City and County of San Francisco.

Adopted.

On motion of Mr. Banvard, at four o'clock and thirty minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.



## IN SENATE.

SENATE CHAMBER,  
Tuesday, February 8th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed substitute for Senate Bill No. 63—An Act to amend an Act concerning divorces, passed March twenty-fifth, eighteen hundred and fifty-one, and an Act supplementary thereto, approved April twenty-fourth, eighteen hundred and fifty-seven.

Also, Senate Bill No. 19—An Act supplemental to an Act concerning divorces, passed March twenty-fifth, eighteen hundred and fifty-one.

Also, Senate Bill No. 340—An Act to amend an Act entitled an Act to amend an Act to provide for the establishment, maintenance and protection of public and private roads.

O'CONNOR, Chairman.

Mr. McDougall, from the Committee on State Hospitals, made the following report :

MR. PRESIDENT: The Committee on State Hospitals, to whom was referred Senate Bill No. 101—An Act to establish a State Board of Health—have had the same under consideration, report it back with amendments, and recommend its passage as amended.

McDOUGALL, Chairman.

Mr. Lewis, from the Committee on Elections, made the following report :

MR. PRESIDENT: The Committee on Elections, to whom was referred Assembly Bill No. 206—An Act to legalize and make valid the election of certain officers and prescribe their duties, in and for the County of Amador—have had the same under consideration, and report the same back to the Senate and recommend its passage.

LEWIS, Chairman.

Mr. Hutchings, from the Committee on Roads and Highways, made the following report :

MR. PRESIDENT: Your committee, to whom was referred Senate Bill No. 333—An Act to authorize the Board of Supervisors of Plumas

County to build certain wagon roads in said county; also, Senate Bill No. 267—An Act to authorize the Board of Supervisors of Yuba County to levy and collect tolls on the Brown's Valley and Marysville Turnpike—report favorably and recommend their passage.

HUTCHINGS, Chairman.

Mr. Maclay, from the Committee on Education, made the following report:

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 242—An Act to transfer certain funds to the Common School Fund of the County of Butte—have had the same under consideration, report the same back and recommend its passage.

MACLAY, Chairman.

Mr. Turner, from the Committee on Elections, submitted the following minority report:

MR. PRESIDENT: The minority of the Committee on Elections respectfully submits: That in the matter of P. W. Murphy vs. R. Pacheco, contested election case, he has had the same under consideration, and from the facts deduced from the evidence laid before the committee by the contesting parties, is of the opinion that R. Pacheco is entitled to the seat, and would offer the following resolution and recommend its passage:

*Resolved*, That R. Pacheco is entitled to the seat contested by P. W. Murphy.

TURNER, for Committee.

Mr. Curtis, from the Committee on Claims, verbally reported back Senate Bills Nos. 323 and 324, and on motion the same were referred to the Committee on State and County Revenue.

Mr. Saunders, from the San Francisco delegation, made the following report:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 240—An Act granting to the North Beach and Mission Railroad Company certain rights therein named—having duly considered the same, respectfully report the same back to the Senate with the following amendments, to wit: After the word "down," in line twelve of section one, page one, insert the word "extend," and after word "maintain" in same line and on same page, insert "upon the terms and conditions mentioned in and provided by the Acts hereinbefore recited," and as amended, recommend its passage.

Also, Senate Bill No. 303—An Act to equalize the rates of fare of the City Railroad Company with certain other street railroad companies in the City and County of San Francisco—having duly considered the same, report the same back to the Senate and recommend its passage.

Also, Senate Bill No. 239—An Act granting certain privileges to the North Beach and Mission Railroad Company—having had the same under consideration, report the same back to the Senate and recommend its passage.

Also, Senate Bill No. 296—An Act to authorize the Board of Supervisors of the City and County of San Francisco to permit the laying down of railroad tracks for grading purposes—having had the same under consideration, report the same back to the Senate with the following amendments, to wit: 1st. After the word "empowered," in line two, section one, of said Act, page one, insert "by a vote of three-fourths of the whole of said Board." 2d. Strike out, commencing with the word "and," in line fifteen, section one, of said Act, all down to and including the word "confined," in line eighteen, of section one, and insert as follows: "and *provided* further, that no such grant to construct, lay down, continue and maintain railroad track or tracks, as aforesaid, shall be granted at any time for a longer period than one year," and recommend its passage as amended.

SAUNDERS, Chairman.

Bills above reported placed on file.

Mr. Pendegast from the Committee on Public Lands, verbally reported back Senate Bill No. 82, and on motion the same was referred to the San Francisco delegation.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
February 7th, 1870. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the third instant, passed Assembly Bill No. 70—An Act to authorize Assessors to complete duties imperfectly performed.

And, on the fourth instant, passed Assembly Bill No. 210—An Act to confer further powers on the Board of Supervisors of the City and County of San Francisco.

And, on this day, passed Senate Bill No. 7—An Act to provide and pay for services rendered to the City and County of San Francisco.

Also, substitute for Senate Bill No. 213—An Act authorizing Bridget Stannah, administratrix of the estate of William Stannah, deceased, to sell the real estate belonging to said estate, in the City and County of San Francisco, at public or private sale.

Also, Senate Bill No. 284—An Act to authorize the Board of Supervisors of the County of Amador to levy an additional tax for county expenditures in said county.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 210, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 70, above reported, read first and second times and referred to the Judiciary Committee.

#### REPORT.

Mr. Farley, from the Committee on Federal Relations, had leave to make the following report:

**Mr. PRESIDENT:** The Committee on Federal Relations have had under consideration Senate Concurrent Resolution No. 18—To establish a mail route in the Counties of Butte and Plumas; also, Senate Concurrent Resolution No. 19—Relative to a mail route from San Diego to Salt Lake City; also, Assembly Concurrent Resolution No. 12—For a mail route from Millville, Shasta County, to Fort Bidwell, in Siskiyou County—and report a substitute therefor, and report same back and recommend their passage.

**FARLEY, Chairman.**

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Hutchings—An Act to empower the City of Marysville and the Counties of Colusa, Sutter, Yuba and Nevada to aid in the construction of the Colusa, Marysville and Nevada Railroad.

Read first and second times and referred to the delegations named in the bill, and ordered printed.

By Mr. Betge—An Act to aid in providing a supply of fresh water from Lake Bigler, or Lake Tahoe, for the use of the inhabitants of the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation, and four hundred and eighty copies ordered printed.

By Mr. Tompkins—An Act to amend an Act entitled an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, courts and places in the said city, approved April fourth, eighteen hundred and sixty-four.

Read first and second times and referred to the Committee on Corporations, and ordered printed.

By Mr. Gwin—An Act for the relief of the County of Calaveras.

Read first and second times and referred to the Committee on Claims.

By Mr. Conly—An Act to appropriate money to pay the expenses of Plumas County and her citizens, in the conflict between said county and the authorities of Nevada Territory, in eighteen hundred and sixty-three.

Read first and second times and referred to the Committee on Claims.

By Mr. Pendegast—An Act to provide for the payment of a certain claim.

Read first and second times and referred to the Finance Committee.

By Mr. Wand—An Act for the relief of Charles Goodall.

Read first and second times and referred to the San Francisco delegation.

By Mr. Irwin—An Act relating to Yreka School District, in Siskiyou County.

Read first and second times and, with accompanying petition, referred to the Committee on Education.

By Mr. Pacheco—An Act amendatory of and supplemental to an Act entitled an Act to incorporate the Town of San Luis Obispo, approved April fourteenth, eighteen hundred and sixty-three.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Minis—An Act to authorize John Casline, Charles Kent and their associates, to construct and maintain a wharf at the City of Vallejo, in the County of Solano.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Hager—An Act for the endowment of the University of California.

Read first and second times and referred to the Committee on State University.

By Mr. Maclay—An Act to provide military instruction in the University of California, and to authorize the Governor to call into service the retired officers of University Cadets, in case of war or invasion.

Read first and second times and referred to the Committee on Education.

#### MOTIONS AND RESOLUTIONS.

On motion of Mr. Saunders, Senate Bill No. 217 was ordered printed.

By Mr. Hutchings:

*Resolved*, That J. B. Stevens, Minute Clerk of the Senate, be authorized to complete the Appendices and Journals of the Senate at the close of this session and furnish the State Printer a copy thereof, also, all copying left unfinished, at twelve and one-half cents per folio; and the Secretary of State shall compute the same and certify to the Controller, who shall draw his warrant on the Contingent Fund of the Senate for the same.

Read and referred to the Committee on Contingent Expenses.

#### GENERAL FILE.

Assembly Bill No. 86—An Act to construct and maintain a wharf in San Luis Obispo County.

Read a third time and passed.

Assembly Bill No. 34—An Act concerning public roads and highways in the County of Monterey.

Read a third time and passed.

Senate Bill No. 133—An Act to authorize Elizabeth W. P. Kenny, administratrix of the estate of George Kenny, deceased, to sell certain lands of said estate.

Read a third time and passed.

Senate resolution, relative to paying one thousand and twenty-seven dollars for furnishing Clerk's and committee rooms.

Adopted.

Senate Bill No. 168—An Act directing Controller of State to draw a certain duplicate warrant.

Read a third time and passed.

Senate Bill No. 152—An Act amendatory of an Act entitled an Act to regulate proceedings in civil cases.

Read a third time and passed.

Senate Bill No. 166—An Act to confer additional powers upon the Board of Supervisors and the Auditor and Treasurer of the City and County of San Francisco.

Read a third time and passed.

Assembly Bill No. 77—An Act to encourage the destruction of squirrels and gophers in certain districts of this State, and to provide for a bounty for the same.

Amendment of special committee adopted.

Read a third time and passed.

Assembly Bill No. 28—An Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to pay the claim of P. W. Van Winkle.

Read a third time and passed.

Assembly Bill No. 155—An Act to amend an Act to separate the office of County Recorder from that of County Clerk in the County of Alameda.

Amendment to title adopted.

Read a third time and passed.

Assembly Bill No. 188—An Act granting leave of absence to Richard G. Watkins, District Attorney of Mono County.

Amendment of committee adopted.

Read a third time and passed.

Assembly Bill No. 190—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of Trinity County to levy a special tax.

Amendment of committee adopted.

Read a third time and passed.

Assembly Bill No. 38—An Act for a preliminary survey of the harbor of Santa Cruz, and Salinas Slough, in Monterey Bay.

Read a third time and passed.

Assembly Bill No. 53—An Act to provide for the payment of the salary of the County Judge of Kern County.

Read a third time and passed.

Senate Bill No. 151—An Act to authorize the guardians of James T. Boyd, Jr., and Willie Alexander Boyd, to sell certain real estate.

Read a third time and passed.

Senate Bill No. 94—An Act to authorize the formation of special partnerships.

Read a third and passed.

Senate Bill No. 142—An Act to amend an Act entitled an Act to regulate proceedings in civil cases.

Read a third time and passed.

Assembly Bill No. 170—An Act to authorize the Governor of the State of California to appoint three additional Notaries Public for the County of Santa Clara.

Read a third time and passed.

Senate Bill No. 126—An Act to ratify and confirm a certain conveyance made by the Board of Education of the City and County of San Francisco.

Rules suspended and bill ordered engrossed.

Senate Bill No. 186—An Act to extend an Act entitled an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six.

Amendment of committee adopted and ordered engrossed, and amendment to bill adopted.

Senate Bill No. 235—An Act to amend an Act entitled an Act concerning Justices' Courts in this State, approved April twentieth, eighteen hundred and sixty-eight.

Amendments of committee adopted and ordered engrossed.

Senate Bill No. 172—An Act to amend an Act providing for the time of holding Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three.

Rules suspended, bill considered engrossed, read a third time and passed; and amendment to bill adopted.

**Senate Bill No. 248—An Act to provide for the payment of certain salaries in the County of Calaveras.**

Rules suspended, bill considered engrossed, read a third time and passed.

**Senate Bill No. 198—An Act supplemental to an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.**

Amendments of committee adopted.

Mr. Tweed moved to strike out "maliciously" and insert "feloniously" in section one.

Adopted.

The bill was ordered engrossed, and amendment to bill adopted.

[President pro tem., Mr. Lewis, in the chair.]

**Senate Bill No. 104—An Act to amend an Act entitled an Act to provide for street railroads in the City and County of San Francisco.**

Rules suspended, bill considered engrossed, read a third time and passed.

**Senate Bill No. 285—An Act to amend an Act concerning roads and highways in the County of Santa Clara.**

Rules suspended, bill considered engrossed, read a third time and passed.

**Senate Bill No. 231—An Act to amend an Act entitled an Act to create the Seventeenth Judicial District, approved March nineteenth, eighteen hundred and sixty-eight.**

Amendments of committee adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

**Senate Bill No. 192—An Act granting certain privileges to the Central Railroad Company of San Francisco.**

Amendments of committee adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

**Senate Bill No. 117—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.**

Amendments of San Francisco delegation adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

**Senate Bill No. 236—An Act to provide funds for the School Department of the City and County of San Francisco.**

Amendments of San Francisco delegation adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

**Senate Bill No. 224—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco.**

Indefinitely postponed.

**Senate Bill No. 268—An Act to give effect, force and virtue to a certain contract made and entered into between the City of San Francisco and G. Wetzlar, his associates and assigns.**

Indefinitely postponed.

**Senate Bill No. 279—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.**

Indefinitely postponed.

Senate Bill No. 262—An Act to provide for an official survey of the swamp and overflowed and tide and swamp lands in Marin County.

Ordered engrossed.

Senate Bill No. 273—An Act to create the office of Inspector of salted and barrelled beef, pork and fish.

Indefinitely postponed.

Senate Bill No. 86—An Act to legalize and confirm certain ordinances made by the Board of Supervisors of the City and County of San Francisco, relative to the removal of dead animals from the city limits.

Indefinitely postponed.

Senate Bill No. 167—An Act to extend the operation of the Act concerning trade marks and names, passed April third, eighteen hundred and sixty-three.

Substitute reported by committee adopted and ordered engrossed.

Senate Bill No. 264—An Act in relation to the building of a wharf in the harbor of San Simeon, San Luis Obispo County.

Ordered engrossed.

Senate Bill No. 137—An Act to provide for levying a special tax to construct and furnish a public school house in Merced Falls School District.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 67—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of San Joaquin to issue certain bonds.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. O'Connor moved to reconsider the vote by which Senate Bill No. 264 was ordered engrossed.

Carried.

On motion of Mr. Farley, Senate Bill No. 264 was indefinitely postponed.

Senate Bill No. 187—An Act for the relief of Caleb Dorsey, District Attorney of Tuolumne County.

Passed on file.

Senate Bill No. 216—An Act to repeal an Act entitled an Act concerning crimes and punishments, approved April first, eighteen hundred and sixty-four.

Ordered engrossed.

Senate Bill No. 158—An Act to fix the rates of interest on the indebtedness due from one county to another, arising from the division of counties.

Indefinitely postponed.

Senate Bill No. 56—An Act to authorize Harriet Wilkins, administratrix, to sell certain real and personal estate.

Amendments of Judiciary Committee adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 259—An Act to amend an Act entitled an Act defining the time for commencing civil actions.

Amendments of committee adopted and bill ordered engrossed.

Senate Bill No. 116—An Act to fix and regulate the salaries of the Auditor's Clerk and Deputy Treasurers of the City and County of San Francisco.

Amendments of committee adopted and bill ordered engrossed.

Senate Bill No. 250—An Act to authorize Eliza M. Hartley, adminis-



tratrix of the estate of Henry Hare Hartley, deceased, to sell real property belonging to said estate.

Amendments of committee adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 165—An Act in relation to the Omnibus Railroad Company in the City and County of San Francisco.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 69—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 295—An Act to aid the Mercantile Library Association of the City and County of San Francisco.

Upon ordering the bill engrossed, the ayes and noes were demanded by Messrs. Roberts, O'Connor and Betge, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Betge, Burnett, Conn, Farley, Green, Hager, Hunter, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, McDougall, Minis, Morrill, Murch, Perkins, Saunders, Tweed, Wand, Wilson and Wing—24.

**NOES**—Messrs. Conly, O'Connor, Pendegast, Roberts and Tompkins—5.

Senate Bill No. 102—An Act to pay the estate of Peter Seilor, deceased, to his legal heirs.

Substitute reported by committee adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 265—An Act to appropriate money for the payment of curtains, carpets and matting for Senate and Assembly chambers.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 333—An Act to amend an Act entitled an Act to provide for the incorporation of insurance companies for the insurance of life and health and against accidents, approved March thirtieth, eighteen hundred and sixty-eight.

Referred to the Judiciary Committee.

Senate Bill No. 300—An Act providing for the appointment of additional Notaries Public in the County of Sacramento.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 301—An Act to divide the State into congressional districts, and fix the time to elect Representatives to Congress.

Mr. Tweed moved to make this bill the special order for Wednesday, February sixteenth, eighteen hundred and seventy, at one o'clock P. M. Adopted.

Mr. Hager had leave to introduce the following resolution:

*Resolved* by the Senate, the Assembly concurring, That the Enrolling Committee of the Senate be authorized to correct an error, by changing the word "with" into the word "without," in the last line of section three of Senate substitute (No. 227) for Assembly Bill No. 2 and Senate Bill

95—An Act amendatory of and supplementary to an Act entitled an Act to organize and regulate the Justices' Court in the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and sixty-six.

Adopted.

Mr. Minis had leave to introduce the following bill—An Act to confirm the action of the Board of Trustees of the City of Vallejo, in relation to certain privileges granted to the Vallejo City Water Company.

Read first and second times and referred to the Committee on Corporations.

Also, an Act for the relief of Will. S. Green.

Read first and second times and, with accompanying documents, referred to the Committee on Claims.

#### REPORT.

Mr. Morrill, from the Committee on Enrolment, made the following report:

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 181—An Act to expunge from the journal the judgment of the Senate entered against James H. Hardy, on the fourteenth day of May, eighteen hundred and sixty-two.

Also, Senate Bill No. 98—An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Also, Senate Bill No. 92—An Act for the incorporation of the City of Anaheim.

Also, Senate Concurrent Resolution No. 23—Relative to additional joint rule regarding amendments to bills, etc.

Also, Senate Bill No. 7—An Act to provide and pay for services rendered the City and County of San Francisco.

Also, Senate Bill No. 284—An Act to authorize the Board of Supervisors of the County of Amador to levy an additional tax for county expenditures in said county.

And this day, at one o'clock and thirty-five minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. Maclay had leave to introduce the following resolution:

*Resolved* by the Senate, the Assembly concurring. That the Special Committee on the Location of the State Normal School be and are hereby authorized to make a joint report.

Adopted and ordered transmitted immediately to the Assembly.

On motion of Mr. Lewis, at two o'clock and fifteen minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, February 9th, 1870. }

Senate met pursuant to adjournment.  
President in the chair.  
Roll called.  
Quorum present.  
Prayer by the Chaplain.  
Journal of yesterday read and approved.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 198—An Act supplemental to an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty

Also, Senate Bill No. 285—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March thirty-first, eighteen hundred and sixty-six.

Also, Senate Bill No. 235—An Act to amend an Act, approved March twenty-fourth, eighteen hundred and sixty-four, entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 165—An Act in relation to the Omnibus Railroad Company in the City and County of San Francisco.

Also, Senate Bill No. 231—An Act to amend an Act entitled an Act to create the Seventeenth Judicial District, approved March nineteenth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 69—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Also, Senate Bill No. 192—An Act granting certain privileges to the Central Railroad Company of San Francisco.

Also, Senate Bill No. 104—An Act to amend an Act entitled an Act to amend an Act supplementary to an Act entitled an Act to provide for a street railroad within the City and County of San Francisco, and other matters relating thereto, approved April twenty-first, eighteen hundred and sixty-three, the Act hereby amended having been approved March thirtieth, eighteen hundred and sixty-eight.

O'CONNOR, Chairman.

Mr. Gwin, from the Committee on State University, made the following report:

MR. PRESIDENT: The Committee on the State University, to whom was referred the memorial of the Board of Regents of the University of California, that the Legislature would instruct the Senators and request the Representatives of California in the Congress of the United States, to use their efforts to secure the passage of the bill introduced in the Senate of the United States by Senator Casserly, having for its

object the removal of the disabilities that now diminish the value and availability of the grant of one hundred and fifty thousand acres of public land heretofore made to this State, and now vested in said Board of Regents—have had the same under consideration, and now beg leave respectfully to report: That in the opinion of your committee, the evils sought to be corrected by the bill introduced by Senator Casserly detract very largely from the value of the lands granted, will necessarily diminish the Educational Fund of the State and impair the usefulness of the University, without in the least benefiting the United States, or any citizen thereof, and your committee therefore recommend that the resolution be adopted, as prayed in the memorial of the said Board of Regents.

GWIN, Chairman.

#### PETITIONS.

By Mr. Lawrence—From citizens of San Diego County, for the passage of a fence law.

Read and referred to the Committee on Agriculture.

Also, a petition from citizens of Merced Falls School District, in Merced County, for the passage of Senate Bill No 137.

Read and ordered to be transmitted to the Assembly with said bill.

#### REPORTS.

Mr. McDougall, from the Committee on State Hospitals, made the following report:

Mr. PRESIDENT: The Committee on State Hospitals, to whom was referred Senate Bill No. 149—An Act concerning the Insane Asylum of the State of California—have had the same under consideration, report it back with amendments and recommend its passage as amended.

Also, Assembly Bill No. 116—An Act to provide for the relief and maintenance of the indigent sick of Humboldt County—report the same back with an amendment, and recommend its passage as amended.

McDOUGALL, Chairman.

Mr. Betge, from the Committee on Commerce and Navigation, made the following report:

Mr. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 90—An Act to authorize Edward Hacket, his associates and assigns, to build and maintain a wharf in the Bay of San Francisco—report back the same and recommend its indefinite postponement.

Also, Senate Bill No. 145—An Act to authorize Wm. Thompson and J. M. Martin, their associates, successors and assigns, to build and maintain a wharf at the City of Vallejo, in the County of Solano—report back a substitute and recommend the passage of the substitute.

Also, Senate Bill No. 319—An Act to authorize parties herein named the right to construct and maintain a wharf in the County of Solano—report back the same and recommend its passage.

Also, Senate Bill No. 195—An Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia—report back the same with amendment, and recommend its passage as amended.

Also, Assembly Bill No. 23—An Act to authorize Alexis Kustel and Oscar Kustel, and their assigns, to construct and maintain a chute and landing at or near Fish Rock Landing, Mendocino County, and collect tolls for the use of the same—report back the same with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 46—An Act to amend an Act to authorize Lyman Leslie, Paul K. Hubbs and their associates, successors and assigns, to build and maintain a wharf at the City of Vallejo, in the County of Solano, approved March thirtieth, eighteen hundred and sixty-eight—report back the same and recommend its passage.

BETGE, Chairman.

Mr. Saunders, from the San Francisco delegation, made the following report :

Mr. PRESIDENT: Your committee to whom was referred Assembly Bill No. 40—An Act to confirm order number eight hundred and eighty-three of the Board of Supervisors of the City and County of San Francisco—having had the same under consideration, respectfully report the same back to the Senate and recommend its passage.

SAUNDERS, for Delegation.

Mr. Saunders, from the Committee on Corporations, made the following report :

Mr. PRESIDENT: Your Committee, on Corporations, to whom was referred Senate Bill No. 263—An Act to confirm a certain ordinance and contract relating to lighting the City of Oakland—having had the same under consideration, report it back recommending its passage.

Your committee have also had under consideration Assembly Bill No. 111—An Act to provide for the construction of a wagon or turnpike road from a point at or near Ukiah City, in Mendocino County, to a point at or near Cloverdale, in Sonoma County—report the same back and recommend its passage, with the following amendments: Amend section one by inserting in line nine, after the name "Barnes," the name "F. O. Townsend;" amend section six, line four, by striking out the word "required" and inserting, in lieu thereof, the word "empowered;" amend section six, line nine, by striking out the words "or before;" amend section six, line eleven, by striking out the word "ten" and inserting the word "seven;" also, amend by adding to section twelve, after the word "company," the following: "Any surplus proceeds of sale, under such foreclosure, to be retained for payment of principal and interest to become due."

SAUNDERS, Chairman.

Mr. Farley, from the Committee on Federal Relations, verbally reported back Assembly Concurrent Resolution No. 11—For the establishment of a mail route from San Rafael, Marin County, to Petaluma, in Sonoma County—and recommended its passage.

Mr. Beach, from the Yuba delegation, made the following report :

Mr. PRESIDENT: The Yuba delegation, to whom was referred Senate Bill No. 341—An Act supplemental to an Act to regulate the care and maintenance of the indigent sick in and for Yuba County, approved April eighteenth, eighteen hundred and sixty—have had the same under consideration and report it back with an amendment, and recommend its passage as amended.

BEACH,  
HUTCHINGS.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 8th, 1870.

*To the Senate of the State of California:*

I herewith return, at the request of your honorable body, for the purpose of correcting an error, Senate Bill No. 227—An Act amendatory of and supplementary to an Act entitled an Act to organize and regulate the Justices' Court in the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and sixty-six.

H. H. HAIGHT,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 8th, 1870.

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 26—An Act to pay the claim of H. F. Hastings, assignee of George Seckel, Clerk of the Supreme Court.

Also, Senate Bill No. 201—An Act making appropriations for payment of claims for furniture, carpets, etc., purchased by the Secretary of State, for furnishing the new State Capitol, and for furnishing Supreme Court room, Supreme Judges' rooms, etc.

Also, Senate Bill No. 278—An Act to authorize the Supervisors of Kern County to levy a special tax for the County Current Expense Fund.

H. H. HAIGHT,  
Governor.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
February 8th, 1870.

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the third instant, passed Assembly Bill No. 306—An Act concerning the funded debts of San Bernardino County.

Also, Assembly Bill No. 216—An Act more fully defining the crime of larceny.

Also, Assembly Bill No. 97—An Act relating to the Home of the Inebriate of San Francisco, and to prescribe the powers and duties of the Board of Managers and the officers thereof.

And, on the fourth instant, passed Assembly Bill No. 162—An Act authorizing J. Brickell and associates to improve the channel of Truckee River, erect flood gates and collect tolls.

Also, Assembly Bill No. 171—An Act for the relief of John Cartheche, Deputy Sheriff of El Dorado County.

Also, Assembly Bill No. 230—An Act to fix the amount of the official bond of the Sheriff of Calaveras County.

Also, Assembly Bill No. 281—An Act granting leave of absence from the State to D. B. Spagnoli, County Clerk of Amador County.

Also, Assembly Bill No. 176—An Act to authorize the Board of Trustees of the Vallejo School District, in the County of Solano, to borrow money for school purposes.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 306, above reported, read first and second times and referred to the Committee on State and County Revenue.

Assembly Bill No. 230, above reported, read first and second times and referred to the Committee on State and County Revenue.

Assembly Bill No. 216, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 97, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 162, above reported, read first and second times and referred to the Placer and Nevada delegations.

Assembly Bill No. 171, above reported, read first and second times and referred to the Committee on Claims.

Assembly Bill No. 281, above reported, read first and second times and referred to the Amador delegation.

Assembly Bill No. 176, above reported, read first and second times and referred to the Committee on Education.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 9th, 1870. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in Senate amendments to Assembly Bills Nos. 43, 155, 188, 190 and 61, and refused to concur in Senate amendments to Assembly Bill No. 77—An Act to encourage the destruction of squirrels and gophers in certain counties of this State and to provide for a bounty for the same.

Also, concurred in Senate Concurrent Resolution No. 25—Relative to correcting errors in substitute for Assembly Bill No. 2 and Senate Bill No. 95—as enrolled.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 77, above reported. Senate refused to recede from their amendments.

On motion, Messrs. Green, Fowler and Lawrence were appointed as a Committee of Conference on said bill.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Tweed—Proposed amendments to the Constitution of the State of California.

Read first and second times and referred to the Judiciary Committee.

By Mr. Morrill—An Act to make the furnisher of intoxicating liquor responsible for damages.

Read first and second times and referred to the Judiciary Committee.

By Mr. Comte—An Act providing for the appointment of phonographic reporters in certain cases.

Read first and second times and referred to the Judiciary Committee.

By Mr. Larkin—An Act to authorize the guardian of Frederick D. Montgomery and Wm. F. Montgomery to sell and convey certain real estate.

Read first and second times and referred to the Judiciary Committee.

By Mr. Hager—An Act supplemental to and to amend an Act to provide for the improvement and protection of the wharves, docks and water front, in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three, and the Act amendatory thereof.

Read first and second times and referred to the Judiciary Committee.

By Mr. Betge—An Act for the relief of the Sixth Regiment, National Guard of the State of California.

Read first and second times and referred to the Committee on Military Affairs.

By Mr. Fowler—An Act to improve the navigation of Kings River.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Wand—An Act to grant certain persons the right of way for a railroad track, partly within the County of San Francisco and partly within the County of San Mateo, and to run horse cars thereon.

Read first and second times and referred to the San Francisco delegation.

By Mr. Curtis—An Act to provide an official residence for the Governor of this State.

Read first and second times and referred to the Committee on Public Buildings.

By Mr. Curtis—An Act granting to certain persons therein named the right to lay a railroad track along certain streets in the City of Sacramento.

Read first and second times and referred to the Sacramento delegation.

#### REPORTS.

Mr. O'Connor, from the Engrossing Committee, made the following report :

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed substitute for Senate Bill No. 102—An Act to pay the estate of Peter Seilor, deceased, to his legal heirs.

Also, Senate Bill No. 172—An Act to amend an Act providing for the



time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three.

O'CONNOR, Chairman.

[Mr. Pendegast in the chair.]

Mr. Larkin, from the Committee on State and County Revenue, had leave to make the following report:

Mr. PRESIDENT: The Committee on State and County Revenue have had under consideration Assembly Bill No. 182, report the same back and recommend its passage.

LARKIN, Chairman.

On motion of Mr. Wand, the resolution reported by the Committee on the Culture of the Grape was taken up.

Mr. Farley, from the Committee on Federal Relations, to whom was referred said resolution, verbally reported the same back without recommendation.

The resolution was read and adopted.

#### MOTIONS AND RESOLUTIONS.

By Mr. Maclay:

*Resolved*, That the Judges of the Supreme Court be requested to furnish an opinion for the information of this Legislature, as to when the Act, approved March twenty-eighth, eighteen hundred and sixty-eight, entitled an Act to regulate salaries and fix the compensation of certain county officers, takes effect; whether within sixty days after the adjournment of the Legislature, or on the first Monday of March, eighteen hundred and seventy, and whether persons elected to county offices at the general election in eighteen hundred and sixty-nine, hold office, and what compensation, under the said Act of March twenty-eighth, eighteen hundred and sixty-eight.

Mr. Curtis moved to amend, by striking out the words "Supreme Court," and insert in lieu thereof, "Judiciary Committee."

Mr. Lewis moved to amend the amendment, by striking out the words "Judiciary Committee," and insert in lieu thereof, "Attorney-General."

Lost.

On motion of Mr. Farley, the whole subject matter was laid on the table.

On motion of Mr. Wand, substitute reported by Committee on Commerce and Navigation, for Senate Bill No. 195, was ordered printed.

#### REPORT.

Mr. Comte, from the Committee on Public Buildings, had leave to make the following report:

Mr. PRESIDENT: The undersigned, members of the Committee on Public Buildings, to whom was referred Senate Bill No. 310—An Act concerning the construction of the State Capitol—respectfully report the same back and recommend its passage.

COMTE,  
O'CONNOR.

## GENERAL FILE.

Assembly Bill No. 206—An Act to legalize and make valid the election of certain officers, and to prescribe their powers and duties, in and for the County of Amador.

Read a third time and passed; title amended, and amendment adopted.

Senate Bill No. 63—An Act to amend an Act entitled an Act concerning divorces, passed March twenty-fifth, eighteen hundred and fifty-one.

Upon ordering the bill read a third time, the ayes and noes were demanded by Messrs. Hager, Hunter and Green, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Beach, Burnett, Chappell, Comte, Farley, Hutchings, Kincaid, Lawrence, Lewis, Maclay, McDougall, Morrill, Murch, Orr, Perkins, Roberts, Tompkins, Turner, Tweed and Wing—21.

**NOES**—Messrs. Betge, Conly, Conn, Curtis, Fowler, Green, Gwin, Hager, Hunter, Irwin, Larkin, Minis, O'Connor, Pendegast, Saunders, Wand and Wilson—17.

Upon the passage of the bill, the ayes and noes were again demanded by Messrs. Fowler, Minis and Banvard, and the bill was passed, by the following vote:

**AYES**—Messrs. Banvard, Beach, Burnett, Chappell, Comte, Farley, Hutchings, Kincaid, Lawrence, Lewis, Maclay, McDougall, Morrill, Murch, Orr, Perkins, Roberts, Tompkins, Turner, Tweed and Wing—21.

**NOES**—Messrs. Betge, Conly, Conn, Curtis, Fowler, Green, Gwin, Hager, Hunter, Irwin, Larkin, Minis, O'Connor, Pendegast, Saunders, Wand and Wilson—17.

Mr. Farley gave notice that he would, on to-morrow, move a reconsideration of the vote by which Senate Bill No. 63 was passed.

Senate Bill No. 187—An Act for the relief of Caleb Dorsey, District Attorney of Tuolumne County.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 242—An Act to transfer certain funds to the Common School Fund of the County of Butte.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 101—An Act to establish a State Board of Health.

Amendments of committee adopted.

Upon ordering the bill engrossed, the ayes and noes were demanded by Messrs. Roberts, Comte and Maclay, and the Senate refused, by the following vote:

**AYES**—Messrs. Betge, Burnett, Comte, Curtis, Green, Gwin, Hunter, Hutchings, Kincaid, Lawrence, Maclay, McDougall, Orr, Turner and Wand—15

**NOES**—Messrs. Banvard, Chappell, Conly, Conn, Farley, Fowler, Hager, Lewis, Minis, Murch, O'Connor, Pendegast, Roberts, Tompkins, Tweed, Wilson and Wing—17.

Senate Bill No. 338—An Act to authorize the Board of Supervisors of Plumas County to build certain wagon roads in said county.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 267—An Act to authorize the Board of Supervisors of Yuba County to levy and collect tolls on the Marysville and Brown's Valley turnpike.

Ordered engrossed.

Senate Bill No. 303—An Act to legalize the rates of fare of the City Railroad Company with certain other railroad companies in the City and County of San Francisco.

Rule requiring bills to be referred to a standing committee was suspended, as regards said bill.

The rules were suspended, bill considered engrossed, read a third time and passed.

Mr. Beach had the unanimous consent of the Senate to withdraw Senate Bill No. 305.

Mr. Lewis gave notice that he would, on to-morrow, move a reconsideration of the vote by which Senate refused to order Senate Bill No. 101 engrossed.

#### REPORTS.

Mr. Morrill, from the Committee on Enrolment, made the following report:

MR. PRESIDENT: Your Committee on Enrolment respectfully report that they have this day performed the duties authorized by Senate Concurrent Resolution No. 25, and returned the bill, as corrected, to the Governor.

MORRILL, Chairman.

Mr. Beach, from the Committee on Public Buildings, made the following adverse report:

MR. PRESIDENT: The undersigned, members of the Committee on Public Buildings, to whom was referred Senate Bill No. 310—An Act amendatory of and supplementary to an Act entitled an Act to provide for the construction of the State Capitol in the City of Sacramento, approved March twenty-ninth, eighteen hundred and sixty—beg leave to report that they cannot concur in the report made by the other members of the committee. They recommend that the bill be amended by striking out of the first section thereof the name of Bruce B. Lee and Matthew Cannavan, and that it pass as amended.

MURCH,  
BEACH.

#### GENERAL FILE RESUMED.

Senate Bill No. 239—An Act granting to the North Beach and Mission Railroad Company certain rights therein named.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 240—An Act granting to the North Beach and Mission Railroad Company certain rights therein named.

Amendments of San Francisco delegation adopted, and bill ordered engrossed.

Senate Bill No. 296—An Act to authorize the Board of Supervisors of the City and County of San Francisco to permit the laying down of railroad tracks for grading purposes.

Referred to the Committee on Corporations.

Senate Concurrent Resolution No. 18—Relative to petitioning Congress for certain mail routes.

Adopted.

Senate Concurrent Resolution No. 19—Relative to petitioning Congress for certain mail routes.

Adopted.

Assembly Concurrent Resolution No. 12—Relative to petitioning Congress for certain mail routes.

The Committee on Federal Relations had leave to withdraw the substitute reported by them for said resolution.

The resolutions were then adopted.

On motion of Mr. Maclay, at two o'clock and forty-five minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Thursday, February 10th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 295—An Act to aid the Mercantile Library Association of the City and County of San Francisco in paying its indebtedness.

Also, Senate Bill No. 265—An Act to appropriate money for the payment of curtains, carpets and matting for Senate and Assembly Chambers.

Also, Senate Bill No. 137—An Act to provide for levying a special tax to construct and furnish a public school house in Merced Falls School District, in Merced County.

Also, Senate Bill No. 248—An Act to provide for the payment of certain salaries in the County of Calaveras.

Also, Senate Bill No. 800—An Act providing for the appointment of additional Notaries Public in Sacramento County.

Also, Senate Bill No. 126—An Act to ratify and confirm a certain con-

veyance made by the Board of Education of the City and County of San Francisco.

Also, Senate Bill No. 56—An Act to authorize Harriet Wilkins, administratrix of the estate of Henry Wilkins, deceased, to sell real and personal estate of said deceased.

Also, Senate Bill No. 216—An Act to repeal an Act entitled an Act supplementary to the Act entitled an Act concerning crimes and punishments, approved April first, eighteen hundred and sixty-four.

O'CONNOR, Chairman.

Mr. Gwin, from Committee on State University made a report.

[For report, see Appendix.]

On motion of Mr. Tompkins, the usual number of copies of said report was ordered printed.

Mr. Minis, from the Committee on Swamp and Overflowed Lands, made the following report:

Mr. PRESIDENT: The Committee on Swamp and Overflowed Lands, to whom was referred Senate Bill No. 184—An Act relating to swamp and overflowed lands—have had the same under consideration and report it back, recommending that it do not pass.

MINIS, Chairman.

Mr. Pendegast, from the Judiciary Committee, made the following report:

Mr. PRESIDENT: The Judiciary Committee, to whom was referred Senate Bill No. 229—An Act to provide for the settlement of statement on appeal and on motion to set aside reports of Commissioners in certain cases—have had the same under consideration and report the same back with amendments, and recommend the adoption of the amendments and the passage of the bill as amended.

PENDEGAST, for Committee.

On motion of Mr. Pendegast, the rules were suspended and Senate Bill No. 229, above reported, was taken up.

Amendments of committee adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. MacLay, from the Committee on Education, made the following reports:

Mr. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 356—An Act to provide military instruction in the University of California, and to authorize the Governor to call into service the retired officers of the University Cadets in cases of war or insurrection—have had the same under consideration, report the same back and recommend its passage.

MACLAY, Chairman.

Mr. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 176—An Act to authorize the Board of Trustees of

the Vallejo District, in the County of Solano, to borrow money for school purposes—have had the same under consideration, report the same back and recommend it passage.

MACLAY, Chairman.

Mr. Hager, from the Judiciary Committee, made the following report :

Mr. PRESIDENT: The Committee on Judiciary, having had under consideration Senate Bill No. 270—An Act to prevent the importation of Chinese criminals and to prevent the establishment of coolie slavery—report the same back and recommend its passage.

Also, Senate Bill No. 83—An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one—and report the same back, with an amendment to the title thereof, and a majority of the committee recommend the passage of the bill as amended.

Also, Senate Bill No. 109—An Act to settle and pay the unpaid expenses of the State Geological Survey—with amendments, and report the same back and recommend the adoption of the amendments and the passage of the bill as amended.

Also, Senate Bill No. 269—An Act to prevent the kidnapping and importation of Mongolian, Chinese and Japanese for criminal and demoralizing purposes—with amendments, and report the same back and recommend the adoption of the amendments and the passage of the bill as amended.

Also, Senate substitute for Senate Bill No. 134—An Act to repeal an Act entitled an Act for the encouragement of agriculture and manufactures in California, approved April twenty-fifth, eighteen hundred and sixty-two, and to repeal an Act entitled an Act for the encouragement of silk culture in this State, approved March thirtieth, eighteen hundred and sixty-eight—with amendments, and report the same back and recommend the adoption of the amendments and the passage of the bill as amended.

Also, Senate Bill No. 10—An Act to amend an Act entitled an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-seventh, eighteen hundred and sixty-three—and report the same back with a substitute therefor, and recommend the passage of the substitute.

HAGER, Chairman.

Mr. Hager, from the Judiciary Committee, verbally reported back proposed amendments to the Constitution.

On motion, the usual number of copies of the same was ordered printed.

Mr. Banvard, from the Committee on Finance, made the following report :

Mr. PRESIDENT: Your committee to whom was referred Senate Bill No. 199—An Act to provide for the payment of services heretofore rendered to the State of California and to appropriate moneys for the same—beg leave to report that they have had the same under consideration, and recommend that the same do not pass.

Also, Senate Bill No. 280—An Act amendatory and supplemental to an Act entitled an Act to authorize the Judges of the Supreme Court

to employ a Secretary, approved April twenty-third, eighteen hundred and fifty-eight—and recommend the passage of the same.

BANVARD, Chairman.

Mr. Saunders, from the San Francisco delegation, made the following report :

Mr. PRESIDENT : The San Francisco delegation, to whom was referred Assembly Bill No. 5—An Act for the relief of Patrick Campbell—having duly considered the same, report the same back to the Senate and recommend its passage.

SAUNDERS, for Delegation.

On motion, the bill above reported was ordered on file.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 9th, 1870. }

Mr. PRESIDENT : I am directed to inform your honorable body that the Assembly, on this day, amended and passed Senate Bill No. 182—An Act to amend an Act entitled an Act to extend an Act entitled an Act to prevent stallions from running at large in the County of Sacramento. Also, passed Senate Bill No. 207—An Act for the payment of the salary of the County Judge of Tuolumne County.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill No. 182, above reported, amendments of Assembly concurred in by the Senate.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 9th, 1870. }

Mr. PRESIDENT : I am directed to inform your honorable body that the Assembly, on this day, concurred in Senate concurrent resolution, authorizing the special committee on the location of the State Normal School to make a joint report.

MOFFITT,  
Assistant Clerk.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Saunders—An Act for the better punishment of repeated felonies and larcenies.

Read first and second times and referred to the Judiciary Committee.

Also, an Act supplementary to an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

Read first and second times and referred to the Judiciary Committee.

By Mr. Hager—An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

Read first and second times and referred to the Judiciary Committee.

By Mr. Tompkins—An Act to amend section forty-six of the Civil Practice Act.

Read first and second times and referred to the Judiciary Committee.

By Mr. Tweed—An Act entitled an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

Also, an Act to regulate the remedy upon contracts and policies of life insurance, and to define and limit the effect of clauses and conditions of restraint of trade therein inserted.

Read first and second times and referred to the Judiciary Committee.

By Mr. Tompkins—An Act to incorporate the Town of Alameda.

Read first and second times and referred to the Committee on Corporations.

Also, an Act to authorize the City Council of the City of Oakland to grant to the Oakland Railroad Company the right to lay down tracks and run horse cars thereon, in the City of Oakland.

Read first and second times and referred to the Committee on Corporations.

By Mr. Fowler—An Act to incorporate the City of Visalia, to create a Board of Education and provide means for the construction of school houses therein.

Read first and second times and referred to the Committee on Corporations.

By Mr. Hager—An Act to amend an Act entitled an Act to create and organize the University of California, approved March twenty-third, eighteen hundred and sixty-eight.

Read first and second times and referred to the Committee on State University.

By Mr. Lewis—An Act to amend an Act entitled an Act concerning the military of the State of California.

Read first and second times and referred to the Committee on Military Affairs.

By Mr. Fowler—An Act to authorize Ezekiel Brown and associates to construct a wharf at Lower Berkeley, in the County of Alameda, State of California.

Read first and second times and referred to the Committee on Commerce and Navigation.

#### MOTIONS AND RESOLUTIONS.

By Mr. Comte :

*Resolved*, That the Sergeant-at-Arms be and he is hereby directed to suspend the flag presented to the State of California by Joseph Neumann, Esq., on the columns of the Senate Chamber.

Adopted.



By Mr. Minis :

*Resolved*, That the Committee on Swamp, Tide and Overflowed Lands be allowed a Clerk, at a per diem of five dollars, payable out of the Contingent Fund of the Senate.

Referred to the Committee on Contingent Expenses.

By Mr. Lewis :

*Resolved*, That the Committee on State Prison be allowed a Clerk for one week, to be allowed eight dollars per day, payable out of the Contingent Fund of the Senate.

Rules suspended and resolution adopted.

By Mr. Maclay :

*Resolved* by the Senate, the Assembly concurring, That our Senators in Congress be instructed, and our Representatives requested, to intercede with the Federal Government to procure the early establishment of a daily mail route from the City of San José, in the County of Santa Clara, via the Town of Santa Clara, to the Town of Saratoga, in said county ; also a weekly mail from Saratoga, via Maclay's Mills, Congress Springs Hotel, over and along the Saratoga and Pescadero Turnpike Road, to the Summit House, in Santa Cruz County, and the establishing Post-offices at Saratoga and Summit House.

*Resolved*, That his Excellency the Governor be requested to forward a copy of the above resolution to each of our Senators and Representatives in Congress.

Read and ordered on file.

By Mr. Farley :

*Resolved* by the Senate, the Assembly concurring, That the Senate and Assembly meet in joint convention, in the Assembly Chamber, on Friday, February eleventh, at twelve o'clock m., for the purpose of electing five trustees for the Deaf and Dumb Asylum.

Adopted.

On motion of Mr. Wand, the usual number of copies of substitute for Senate Bill No. 10, reported from the Judiciary Committee, was ordered printed.

Mr. Burnett moved to reconsider the vote by which the Senate on yesterday refused to order Senate Bill No. 101 engrossed.

Upon the motion to reconsider, the ayes and noes were demanded by Messrs. Roberts, Conn and Maclay, and the motion prevailed, by the following vote :

**AYES**—Messrs. Betge, Burnett, Comte, Curtis, Green, Hunter, Irwin, Lincaid, Lawrence, Maclay, McDougall, Orr, Perkins, Saunders, Tompkins, Turner, Wand and Wing—18.

**NOES**—Messrs. Banvard, Chappell, Conly, Conn, Farley, Fowler, Hager, Arkin, Lewis, Minis, Murch, O'Connor, Pendegast, Roberts, Tweed and Wilson—16.

## GENERAL FILE.

Senate Bill No. 198—An Act supplemental to an Act concerning crime and punishments, passed April sixteenth, eighteen hundred and fifty.

Read a third time and passed.

Senate Bill No. 235—An Act to amend an Act entitled an Act concerning the Courts of justice of this State, approved April twentieth, eighteen hundred and sixty-eight.

Read a third time and passed.

Assembly Bill No. 46—An Act to amend an Act entitled an Act to authorize Lyman Leslie, Paul K. Hubbs, and their associates and assigns to build and maintain a wharf in the City of Vallejo, in the County of Solano, approved March thirtieth, eighteen hundred and sixty-eight.

Read a third time and passed.

Assembly Bill No. 23—An Act to authorize Alexis Kustel and Oscar Kustel, and their associates, to construct and maintain a chute and landing at or near Fish Rock Landing, Mendocino County, and to charge and collect tolls for the use of the same.

Amendments of committee adopted.

Read a third time and passed, and amendment to title adopted.

Assembly Bill No. 116—An Act for the relief of the indigent sick in Humboldt County.

Amendment of committee adopted.

Read a third time and passed.

Assembly Bill No. 182—An Act to authorize the Controller of State to credit the Treasurer of Tuolumne County with certain State poll tax receipts.

Read a third time and passed.

Assembly Bill No. 111—An Act for the construction of a turnpike wagon road in Mendocino County.

Amendment of committee adopted.

Mr. Pendegast moved to amend section one by inserting the name of R. S. Carey.

Adopted.

The bill was read a third time and passed.

Assembly Bill No. 40—An Act to confirm order number eight hundred and eighty-three of the Board of Supervisors of the City and County of San Francisco.

Read a third time and passed.

Assembly Concurrent Resolution No. 11—Relative to establishing a mail route in Marin and Sonoma Counties.

Read a third time and adopted.

Senate Bill No. 145—An Act to authorize William Thompson and John M. Martin, their associates and assigns, to build and maintain a wharf in the City of Vallejo.

Substitute reported by Committee on Commerce and Navigation adopted.

Mr. Comte moved to amend section two, by inserting "*Provided, however, that nothing herein contained shall be construed to interfere with vested rights.*"

Adopted.

The bill was then ordered engrossed.

Senate Bill No. 90—An Act to authorize Edward Hackett, his associates and assigns, to build and maintain a wharf on the Bay of San Francisco.

Passed on file.

Senate Bill No. 319—An Act to authorize parties herein named the right to construct and maintain a wharf in the County of Solano.

Mr. Tweed moved to amend section one, by striking out "twenty-five" and insert in lieu thereof "twenty."

Adopted.

Mr. Minis moved to amend section two, by striking out "twenty-four" and insert in lieu thereof "eighteen."

Adopted.

Mr. Tweed moved to amend section two, by striking out "four" and insert in lieu thereof "two."

Adopted.

Mr. Tweed moved to amend section three, by striking out "twenty-five" and insert in lieu thereof "twenty."

Adopted.

Mr. Comte moved to amend, by inserting in section five, the following: "*Provided*, that nothing in this Act contained shall be construed to interfere with vested rights."

Adopted.

Amendments of Committee of the Whole adopted and bill ordered engrossed.

According to previous notice, Mr. Farley moved to reconsider the vote by which the Senate, on yesterday, ordered Senate Bill No. 63 engrossed.

On motion of Mr. Farley, the motion to reconsider was made the special order for Thursday next, at one o'clock P. M.

#### SPECIAL ORDER.

Contested election case of P. W. Murphy against R. Pacheco.

The hour of one o'clock having arrived, Senate took up the special order of the day.

Mr. Pendegast moved that the contested election case of P. W. Murphy against R. Pacheco be made the special order for Monday evening next, at half-past seven o'clock.

Upon the motion, the ayes and noes were demanded by Messrs. Green, Kincaid and Orr, and the Senate refused, by the following vote:

**AYES**—Messrs. Banvard, Comte, Farley, Fowler, Hager, Hunter, Hutchings, Larkin, Lawrence, Lewis, Maclay and Pendegast—12.

**NOES**—Messrs. Beach, Betge, Burnett, Chappell, Conly, Conn, Curtis, Green, Irwin, Kincaid, McDougall, Minis, Murch, O'Connor, Orr, Perkins, Roberts, Tompkins, Turner, Tweed, Wand, Wilson and Wing—23.

On motion, the subject matter was made the special order for Tuesday evening next, at half-past seven o'clock.

#### GENERAL FILE RESUMED.

Senate Bill No. 341—An Act supplemental to an Act to regulate the maintenance of the indigent sick in Yuba County, approved April eighth, eighteen hundred and sixty.

Amendment of committee adopted and bill ordered engrossed.

Senate Bill No. 263—An Act to confirm a certain ordinance and contract relating to lighting the streets of Oakland.

Ordered engrossed.

[President pro tem., Mr. Lewis, in the chair.]

Senate Bill No. 310—An Act amendatory of and supplementary to an Act entitled an Act to provide for the construction of the State Capitol in the City of Sacramento, approved March twenty-ninth, eighteen hundred and sixty.

Mr. Murch offered the following amendment:

Amend section one by inserting after the words "Secretary of State" the word "and," and strike out the words "Bruce B. Lee" and "Matthew Canavan."

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Roberts, Murch and Chappell, and the Senate refused, by the following vote:

AYES—Messrs. Beach, Chappell, Conly, Orr, Perkins, Roberts, Tompkins, Turner, Tweed and Wing—10.

NOES—Messrs. Banvard, Betge, Burnett, Comte, Conn, Curtis, Farley, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, McDougall, Minis, Morrill, O'Connor, Wand and Wilson—21.

The bill was then ordered engrossed.

Memorial of the Board of Regents to the Legislature of California.

Report of committee adopted.

At one o'clock and fifty-five minutes P. M., on motion of Mr. Hager, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, February 11th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITIONS.

By Mr. Murch—From citizens of Humboldt County, for the repeal of the law incorporating Union Town, in said county.

Referred to the Committee on Corporations.

By Mr. Morrill—From citizens of the State of California, relative to retail liquor dealers.

Referred to the Judiciary Committee.

By Mr. Hager—From Wardens of the Church of the Advent, San Francisco, protesting against the extension of Montgomery street, in said city.

Referred to the San Francisco delegation.

#### REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 262—An Act to provide for an official survey of the swamp and overflowed, tide and salt marsh lands in Marin County.

Also, Senate Bill No. 250—An Act to authorize Eliza Madison Hartley, administratrix of the estate of Henry Hare Hartley, deceased, to sell real property belonging to said estate.

Also, Senate Bill No. 186—An Act to extend an Act entitled an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six, to the Seventeenth Judicial District of the State of California.

Also, Senate Bill No. 259—An Act to amend an Act entitled an Act defining the time of commencing civil actions, approved April twenty-second, eighteen hundred and fifty.

Also, Senate Bill No. 333—An Act to authorize the Board of Supervisors of Plumas County to build certain wagon roads in said county.

Also, Senate Bill No. 242—An Act to transfer certain funds to the Common School Fund of the County of Butte.

Also, Senate Bill No. 116—An Act to fix and regulate the salaries of the Auditor's Clerk and the Deputy Treasurers of the City and County of San Francisco.

Also, Senate Bill No. 239—An Act granting certain privileges to the North Beach and Mission Railroad Company.

Also, Senate Bill No. 310—An Act amendatory of and supplementary to an Act entitled an Act to provide for the construction of the State Capitol in the City of Sacramento.

Also, Senate Bill No. 267—An Act to authorize the Board of Supervisors of Yuba County to levy and collect tolls on the Marysville and Brown's Valley Turnpike.

Also, Senate Bill No. 240—An Act granting to the North Beach and Mission Railroad Company certain rights therein named.

Also, Senate Concurrent Resolution No. 24—Relative to tax on distilleries.

Also, Senate Concurrent Resolution No. 19—Relative to mail route from San Diego to Salt Lake.

Also, Senate Concurrent Resolution No. 18.

O'CONNOR, Chairman.

Mr. Morrill, from the Committee on Enrolment, made the following report:

MR. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No.

207—An Act for the payment of the salary of the County Judge of Tuolumne County.

Also, substitute for Senate Bill No. 213—An Act to authorize Bridget Stannah, administratrix of the estate of William Stannah, deceased, to sell the real estate belonging to said estate in the City and County of San Francisco at public or private sale.

Also, Senate Concurrent Resolution No. 25—In relation to correcting an error in Senate Bill No. 227.

And on the tenth day of February, eighteen hundred and seventy, at three o'clock and fifteen minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. Saunders, from the Committee on Corporations, made the following report:

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 171—An Act to confer certain powers on Weber Engine Fire Company, Number One, of the City of Stockton—have had the same under consideration, and report it back with the recommendation that it be indefinitely postponed.

Also, Senate Bill No. 174—An Act to authorize William Aspenall and others to lay down and maintain water pipes in the public streets of the City of Vallejo—report the same back with the recommendation that it be indefinitely postponed.

Also, Senate Bill No. 154—An Act to authorize Hiram Tubbs and others to construct and operate a street railroad in the County of Alameda—have had the same under consideration, and report it back with a substitute and recommend the passage of the substitute.

Also, Senate Bill No. 357—An Act to confirm the action of the Board of Trustees of the City of Vallejo in relation to certain privileges granted to the Vallejo City Water Company—have considered the same and report it back with an amendment, and as amended recommend that it be passed. Amend by inserting after the word "confirmed," in the last line of section one, the following: "This confirmation is upon the express conditions that said company, in excavating the streets of said city for the purpose of laying or repairing said pipes, shall at all times comply with the orders or ordinances of the municipal authorities of said city, under such penalties as may be prescribed by the ordinances thereof."

SAUNDERS, Chairman.

Mr. Kincaid, from the Committee on Mileage, made the following report:

MR. PRESIDENT: Your Committee on Mileage would respectfully submit the following report: That Messrs. McDougall, Burnett, Hunter, Wand and Orr, composing the State Hospital Committee, also, Mr. C. C. Spencer, Clerk to said committee, are each entitled to mileage in visiting the State Insane Asylum, in the City of Stockton, the State Reform School, in Yuba County, the Industrial School and other institutions in the City and County of San Francisco, as follows:

| Name.           | Miles. | Amount. |
|-----------------|--------|---------|
| McDougall ..... | 450    | \$90 00 |
| Burnett.....    | 450    | 90 00   |
| Hunter.....     | 450    | 90 00   |
| Wand.....       | 450    | 90 00   |
| Orr .....       | 450    | 90 00   |
| Spencer .....   | 450    | 90 00   |

Your committee, therefore, recommend the adoption of the following resolution :

*Resolved*, That Senators McDougall, Burnett, Hunter, Wand and Orr be each allowed the sum of ninety dollars, for mileage in visiting the State Insane Asylum at Stockton, the State Reform School in Yuba County, the Industrial School and other institutions in the City and County of San Francisco, in discharge of their duties as Committee on State Hospitals, and that the same amount of mileage be allowed to C. C. Spencer, Clerk of said committee, payable out of the Contingent Fund of the Senate, and that the State Controller draw his warrant on the State Treasurer therefor.

KINCAID, Chairman.

On motion of Mr. Lewis, the rules were suspended, and the resolution reported by the Committee on Mileage adopted.

Mr. Morrill, from the Committee on Public Morals, made the following report :

MR. PRESIDENT: Your Committee on Public Morals, to whom was referred Senate Bill No. 221—An Act providing for the adoption of minors, and the legitimizing of children born out of wedlock—have had the same under consideration, report it back and recommend its passage.

MORRILL, Chairman.

Mr. Kincaid presented the following majority report from the Committee on Corporations :

MR. PRESIDENT: The majority of the Committee on Corporations, having had under consideration Senate Bill No. 144—An Act to authorize William Vanderhurst and others to construct a railroad from the City of Monterey to the Town of Salinas—report the same back with amendments, and as amended, recommend that it be passed: Amend section one, page two, by striking out the words "wood or," in line four. Amend section one, page two, by striking out the word "each," in line eight, and inserting the word "either." Amend section three, page three, by striking out the words "one year," in line thirteen, and inserting the words "two years." Amend section four, on page four, by inserting after the word "conferred," in line five, the following: "*Provided*, the said grantees, their associates and assigns, shall commence the work on the above named railroad within sixty (60) days, and shall expend the sum of one hundred thousand dollars (\$100,000) in labor and materials within one year after the passage of this Act. The rates of

carriage to be charged on the said railroad shall not exceed as follows : For passengers, seven cents per mile, and for freight, nine cents per ton per mile."

H. KINCAID,  
J. N. CHAPPELL,  
J. H. LAWRENCE,  
H. LARKIN.

Mr. Pendegast, from the Committee on Public Lands, made the following report :

Mr. PRESIDENT : Your Committee on Public Lands, to whom was referred Assembly Concurrent Resolution No. 7—In relation to application for lieu lands—have considered the same and report it back with a recommendation that it do not pass, for the reason that there are bills pending in the Senate effecting the same purpose.

PENDEGAST, Chairman.

Mr. Hager, from the Judiciary Committee, verbally reported back Senate Bills Nos. 8 and 153, with amendments for Senate Bill No. 153, and as amended ordered printed.

Mr. Farley, from the Committee on Federal Relations, verbally reported a substitute for Assembly Concurrent Resolutions Nos. 5 and 10, and recommended the passage of the substitute.

Also, verbally reported back Assembly Bill No. 281—An Act granting leave of absence from the State to D. B. Spagnoli, County Clerk of Amador County—with the recommendation that the same do pass.

On motion of Mr. Farley, the rules were suspended, bill read a third time and passed.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 10th, 1870. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate Bill No. 98—An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice in this State, approved April twenty-ninth, A. D. eighteen hundred and fifty-one.

Also, Senate Bill No. 284—An Act to authorize the Board of Supervisors of the County of Amador to levy an additional tax for county expenditures in said county.

Also, Senate Bill No. 227—An Act amendatory of and supplemental to an Act entitled an Act to organize and regulate the Justices' Court in the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and sixty-six.

Also, Senate Bill No. 92—An Act for the incorporation of the City of Anaheim.

H. H. HAIGHT,  
Governor.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :



ASSEMBLY CHAMBER,  
February 10th, 1870. }

**Mr. President:** I am directed to inform your honorable body that the Assembly, on the second instant, passed Assembly Bill No. 20—An Act to provide for increasing the law library of the corporation known as the San Francisco Law Library, and to secure the use of the same to the Courts held at San Francisco, the bar, the city and county governments and the people of the City and County of San Francisco.

And, on the third instant, passed Assembly Bill No. 143—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April nineteenth, eighteen hundred and fifty-one.

And, on the fourth instant, passed Assembly Bill No. 109—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco.

Also, Assembly Bill No. 253—An Act to authorize the Board of Supervisors of Sonoma County to transfer certain moneys from the General Fund to the Road Fund.

Also, Assembly Bill No. 252—An Act concerning roads and highways in San Bernardino County.

Also, substitute for Assembly Bill No. 127—An Act to incorporate the San Buenaventura Water Company.

Also, substitute for Assembly Bill No. 81—An Act to confirm certain orders passed by the Board of Supervisors of the City and County of San Francisco, and to authorize said Board to appropriate money for certain purposes.

And, on the seventh instant, passed Assembly Bill No. 215—An Act to legalize certain conveyances made by Gretta C. Thompson.

And, on the eighth instant, passed Assembly Bill No. 317—An Act to authorize the Board of Supervisors of the County of Sutter to enter upon, condemn and take possession of a certain tract of land in said county, to be used as a public graveyard.

Also, Assembly Bill No. 323—An Act to amend an Act entitled an Act concerning roads and highways in the County of Mendocino, approved March twenty-eighth, eighteen hundred and sixty-eight.

Also, Assembly Bill No. 280—An Act to authorize the incorporation of yacht clubs.

Also, Assembly Bill No. 148—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Also, Assembly Bill No. 151—An Act empowering the Board of Education of the City and County of San Francisco to pay the claim of W. Craine.

Also, Assembly Bill No. 262—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations by said Board.

Also, Assembly Bill No. 255—An Act to amend an Act entitled an Act to provide for the erection of county buildings in the County of Lake, and other matters in relation thereto, approved March twenty-fourth, eighteen hundred and sixty-eight.

And, on the ninth instant, passed Assembly Bill No. 319—An Act to cede certain property to the Town of Crescent City.

And, on this day, passed substitute for Senate Bill No. 102—An Act to pay the estate of Peter Seilor, deceased, to his legal heirs.

And have also appointed, as a Committee of Conference on the part of the Assembly, in the disagreeing vote on Assembly Bill No. 77—An Act to encourage the destruction of squirrels and gophers in certain counties of this State, and to provide for a bounty for the same—Messrs. Kelley, Shoemaker and Carothers.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 20, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 109, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 148, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 162, above reported, read first and second times and referred to the San Francisco delegation.

Substitute for Assembly Bill No. 81, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 143, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 215, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 253, above reported, read first and second times and referred to the Sonoma delegation.

Assembly Bill No. 252, above reported, read first and second times and referred to the Committee on Roads and Highways.

Assembly Bill No. 317, above reported, read first and second times and referred to the Committee on Corporations.

Substitute for Assembly Bill No. 127, above reported, read first and second times and referred to the Committee on Corporations.

[President pro tem., Mr. Lewis, in the chair.]

Assembly Bill No. 323, above reported, read first and second times and ordered on file.

Assembly Bill No. 280, above reported, read first and second times.

On motion, the rules were suspended, bill read a third time and passed.

Assembly Bill No. 151, above reported, read first and second times and referred to the Committee on Claims.

Assembly Bill No. 155, above reported, read first and second times and referred to the Lake delegation.

Assembly Bill No. 319, above reported, read first and second times and referred to the delegations from Humboldt and Klamath.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 11th, 1870. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the seventh instant, passed substitute for Assembly Bill No. 3—An Act authorizing the laying down of a railroad track in certain streets of the City and County of San Francisco.

And, on yesterday, passed Assembly Bill No. 95—An Act to amend an Act concerning the Insane Asylum of California, and to levy a tax therefor, approved April twenty-fifth, eighteen hundred and sixty-three.

And adopted Assembly Concurrent Resolution No. 32—Appointing a joint committee on a uniform ballot law—and have appointed as such committee on the part of the Assembly, Messrs. Haile, Finney and Andrews.

Also, concurred in Senate Concurrent Resolution No. 28—Relative to a joint convention this day.

Also, this day concurred in Senate amendment to Assembly Bill No. 116.

FERRAL, Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution No. 32, above reported, adopted.

Substitute for Assembly Bill No. 3, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 95, above reported, made the special order for Friday, February eighteenth, at twelve o'clock m.

Senate Bill No. 149, above reported, made the special order for Friday, February eighteenth, at twelve o'clock m.

#### REPORT.

Mr. Betge had leave to make the following report :

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 110—An Act to authorize a steam ferry to ply between South Vallejo, the City of Vallejo and Mare Island—beg leave to report the same back without recommendation.

Also, Senate Bills Nos. 99, 114, 115, 194 and 255—Acts to establish pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia—report the same back without recommendation.

BETGE, Chairman.

On motion of Mr. Wand, Senate Bill No. 255 was referred to the Judiciary Committee.

The hour of twelve o'clock having arrived, the Senate proceeded to meet the Assembly in joint convention, for the purpose electing five Directors of the Deaf and Dumb and Blind Institute.

#### IN JOINT CONVENTION.

The following are the proceedings of the joint convention to elect five Trustees for the Deaf and Dumb and Blind Institute :

The hour of twelve o'clock m. having arrived, the joint convention was called to order by the President pro tem. of the Senate, in conjunction with the Speaker of the House.

The rolls of the Senate and Assembly were called, by the Secretary of the Senate and Chief Clerk of the Assembly, and the following Senators and Assemblymen responded :

SENATORS—Messrs. Banvard, Betge, Burnett, Chappell, Comte, Conly, Conn, Curtis, Farley, Green, Gwin, Hager, Hunter, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, McDougall, Minis, Morrill, O'Connor,

Orr, Pacheco, Pendegast, Perkins, Roberts, Saunders, Tompkins, Turner, Tweed, Wand and Wing.

**ASSEMBLYMEN**—Messrs. Andrews, Appling, Berry, Biggs, Blankenship, Brown of Amador, Brown of Yuba, Coronel, Crigler, Doss, Eichelroth, Fortune, Fryer, Gildea, Green, Haile, Hawley, G. R. B. Hayes, M. Hayes, Henley of Mendocino, Henley of Sonoma, Horan, Hubner, Hudson, Inman, Johnson, Kelley, King, McClaskey, McMillan, McMurry of El Dorado, McMurry of Trinity, Merritt, Miller of El Dorado, Miller of Marin, Mooney, Moynihan, Munday, Murphy of Del Norte and Klamath, Murphy of Santa Clara, Naphtaly, Newell, Oates, O'Connell, Odell, Pool, Robinson, Rockwell, Scarce, Shoemaker, Slicer, Stephens, Thomas, Waldeu, Young and Mr. Speaker.

The President pro tem. of the Senate directed the Senate concurrent resolution authorizing the joint convention read, as follows :

*Resolved* by the Senate, the Assembly concurring, That the Senate and Assembly meet in joint convention, in the Assembly Chamber, on Friday, February eleventh, at twelve o'clock m., for the purpose of electing five Trustees for the Deaf and Dumb and Blind Institute.

Mr. Pendegast moved that the convention proceed to elect five Trustees for the Deaf, Dumb and Blind Institute at once.

Carried.

Nominations being in order, Mr. Wand nominated John C. Hayes, J. E. Nicholson, J. Mora Moss, Harry Linden and Chas. J. Brenham.

Mr. Roberts placed the following names in nomination: F. A. Gibbs, John B. Felton, J. P. Whitney, J. A. Benton and D. M. Baldwin.

The rolls of the Senate and Assembly were then called, with the following result :

| SENATORS.     | Baldwin..... | Benton..... | Whitney.... | Felton..... | Gibbs..... | Hayes..... | Nicholson.. | Moss..... | Linden..... | Brenham.... |
|---------------|--------------|-------------|-------------|-------------|------------|------------|-------------|-----------|-------------|-------------|
| Banvard.....  |              |             |             |             |            | 1          | 1           | 1         | 1           | 1           |
| Betge.....    |              |             |             |             |            | 1          | 1           | 1         | 1           | 1           |
| Burnett.....  |              |             |             |             |            | 1          | 1           | 1         | 1           | 1           |
| Chappell..... | 1            | 1           | 1           | 1           | 1          |            |             |           |             |             |
| Comte.....    |              |             |             |             |            | 1          | 1           | 1         | 1           | 1           |
| Conly.....    | 1            | 1           | 1           | 1           | 1          |            |             |           |             |             |
| Conn.....     |              |             |             |             |            | 1          | 1           | 1         | 1           | 1           |
| Curtis.....   |              |             |             |             |            | 1          | 1           | 1         | 1           | 1           |
| Farley.....   |              |             |             |             |            | 1          | 1           | 1         | 1           | 1           |
| Green.....    | 1            | 1           | 1           | 1           | 1          |            |             |           |             |             |
| Gwin.....     |              |             |             |             |            | 1          | 1           | 1         | 1           | 1           |
| Hager.....    |              |             |             |             |            | 1          | 1           | 1         | 1           | 1           |
| Hunter.....   |              |             |             |             |            | 1          | 1           | 1         | 1           | 1           |
| Irwin.....    |              |             |             |             |            | 1          | 1           | 1         | 1           | 1           |
| Kincaid.....  |              |             |             |             |            | 1          | 1           | 1         | 1           | 1           |
| Larkin.....   |              |             |             |             |            | 1          | 1           | 1         | 1           | 1           |
| Lawrence..... |              |             |             |             |            | 1          | 1           | 1         | 1           | 1           |
| Lewis.....    |              |             |             |             |            | 1          | 1           | 1         | 1           | 1           |

| SENATORS.      | Brenham... | Linden..... | Moss..... | Nicholson.. | Hayes..... | Gibbs..... | Felton..... | Whitney... | Benton..... | Baldwin.... |
|----------------|------------|-------------|-----------|-------------|------------|------------|-------------|------------|-------------|-------------|
| Maclay.....    | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |
| McDougall..... | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |
| Minis.....     | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |
| Morrill.....   | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |
| O'Connor.....  | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |
| Orr.....       |            |             |           |             |            | 1          | 1           | 1          | 1           | 1           |
| Pacheco.....   |            |             |           |             |            | 1          | 1           | 1          | 1           | 1           |
| Pendegast..... | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |
| Perkins.....   |            |             |           |             |            | 1          | 1           | 1          | 1           | 1           |
| Roberts.....   |            |             |           |             |            | 1          | 1           | 1          | 1           | 1           |
| Saunders.....  | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |
| Tompkins.....  | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |
| Turner.....    |            |             |           |             |            | 1          | 1           | 1          | 1           | 1           |
| Tweed.....     |            |             |           |             |            | 1          | 1           | 1          | 1           | 1           |
| Wand.....      | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |
| Wing.....      |            |             |           |             |            | 1          | 1           | 1          | 1           | 1           |
| Totals.....    | 24         | 24          | 24        | 24          | 24         | 10         | 10          | 10         | 10          | 10          |

| ASSEMBLYMEN.         | Brenham... | Linden..... | Moss..... | Nicholson.. | Hayes..... | Gibbs..... | Felton..... | Whitney... | Benton..... | Baldwin.... |
|----------------------|------------|-------------|-----------|-------------|------------|------------|-------------|------------|-------------|-------------|
| Andrews.....         | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |
| Appling.....         | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |
| Berry.....           | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |
| Biggs.....           | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |
| Blankenship.....     | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |
| Brown of Amador..... | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |
| Brown of Yuba.....   | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |
| Calderwood.....      |            |             |           |             |            | 1          | 1           | 1          | 1           | 1           |
| Carothers.....       |            |             |           |             |            | 1          | 1           | 1          | 1           | 1           |
| Coronel.....         | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |
| Crigler.....         | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |
| Doss.....            | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |
| Duffy.....           |            |             |           |             |            | 1          | 1           | 1          | 1           | 1           |
| Eichelroth.....      | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |
| Finney.....          | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |
| Fortune.....         | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |
| Fryer.....           | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |
| Gildea.....          | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |
| Green.....           | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |
| Haile.....           | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |
| Hawley.....          | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |
| Hayes, G. R. B.....  | 1          | 1           | 1         | 1           | 1          |            |             |            |             |             |

| ASSEMBLYMEN.               | Baldwin.... | Benton..... | Whitney.... | Felton..... | Gibbs ..... | Hayes ..... | Nicholson .. | Moore..... | Linden..... | Brenham... |
|----------------------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|------------|-------------|------------|
| Hayes, M.....              |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Henley of Mendocino...     |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Henley of Sonoma.....      |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Horan.....                 |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Hubner.....                |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Hudson.....                |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Inman.....                 |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Johnson.....               |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Kelley.....                |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| King.....                  |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Koutz.....                 | 1           | 1           | 1           | 1           | 1           |             |              |            |             |            |
| Lewelling.....             | 1           | 1           | 1           | 1           | 1           |             |              |            |             |            |
| Martin of Siskiyou.....    |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| McClaskey.....             |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| McMillan.....              |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| McMurry of El Dorado.....  |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| McMurry of Trinity.....    |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Merritt.....               |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Miller of El Dorado.....   |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Miller of Marin.....       |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Mooney.....                |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Moynihan.....              |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Munday.....                |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Murphy of Del Norte.....   |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Murphy of Santa Clara..... |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Naphtaly.....              |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Newell.....                |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Oates.....                 |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| O'Connell.....             |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Odell.....                 |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Pool.....                  |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Power.....                 | 1           | 1           | 1           | 1           | 1           |             |              |            |             |            |
| Robinson.....              |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Rockwell.....              |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Sammons.....               | 1           | 1           | 1           | 1           | 1           |             |              |            |             |            |
| Scarce.....                |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Shoemaker.....             |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Slicer.....                |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Stephens.....              |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Thomas.....                |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Walden.....                |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Waldron.....               | 1           | 1           | 1           | 1           | 1           |             |              |            |             |            |
| Williams.....              | 1           | 1           | 1           | 1           | 1           |             |              |            |             |            |
| York.....                  | 1           | 1           | 1           | 1           | 1           |             |              |            |             |            |
| Young.....                 |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Rogers.....                |             |             |             |             |             | 1           | 1            | 1          | 1           | 1          |
| Totals.....                | 11          | 11          | 11          | 11          | 11          | 57          | 57           | 57         | 57          | 57         |

|                                  |     |
|----------------------------------|-----|
| Whole number of votes cast.....  | 102 |
| Necessary to a choice.....       | 52  |
| John C. Hayes received.....      | 81  |
| J. E. Nicholson received.....    | 81  |
| J. Mora Moss received.....       | 81  |
| Harry Linden received.....       | 81  |
| Charles J. Brenham received..... | 81  |
| F. A. Gibbs received.....        | 21  |
| John B. Felton received.....     | 21  |
| J. P. Whitney received.....      | 21  |
| J. A. Benton received.....       | 21  |
| D. M. Baldwin received.....      | 21  |

Whereupon the President pro tem. announced that John C. Hayes, J. E. Nicholson, J. Mora Moss, Harry Linden and Charles J. Brenham, having received a majority of all the votes cast, a majority of all the members elected to both Houses being present and voting, were duly elected Directors of the Deaf, Dumb and Blind Asylum, to hold office for the term of four years.

Journal of joint convention read and approved.

At twelve o'clock and fifty-three minutes P. M., on motion of Mr. Murphy of Del Norte, the convention adjourned.

#### IN SENATE.

Senate reassembled at one o'clock P. M.

President pro tem. in the chair.

Roll called.

Quorum present.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Hutchings—An Act to regulate fees and salaries in office in the County of Yuba.

Read first and second times and referred to the Special Committee on Fees and Salaries.

By Mr. Lawrence—An Act concerning the stock of corporations, amendatory of an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Read first and second times and referred to the Committee on Corporations.

By Mr. Perkins—An Act to provide for the destruction of wolves and coyotes.

Read first and second times and referred to the Committee on Agriculture.

By Mr. Tompkins—An Act making the County Superintendent of Common Schools of Alameda County a member of the State Board of Education.

Read first and second times and referred to the Committee on Education.

By Mr. Fowler—An Act to postpone the collection of State and county taxes in Tulare County.

Read first and second times and, with accompanying petition, referred to the Committee on State and County Revenue.

By Mr. Morrill—An Act to provide for the payment of certain county bonds issued by the County of Calaveras.

Read first and second times and referred to the Finance Committee.

By Mr. Hager—An Act to authorize the payment of lost interest coupons upon certain State bonds.

Read first and second times and, with accompanying documents referred to the Committee on Claims.

Also, an Act creating the office of Commissioner of Assessments for the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

Also, an Act to amend an Act entitled an Act to provide for the appointment and prescribe the duties of guardians, passed April nineteenth eighteen hundred and fifty.

Read first and second times and referred to the Judiciary Committee.

Also, an Act supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

Also, an Act to regulate the distribution of the Police Fund of the City and County of San Francisco.

Read first and second times and, with accompanying documents, referred to the San Francisco delegation.

By Mr. Saunders—An Act for the relief of parties who have paid the State stamp tax on passenger tickets.

Read first and second times and referred to the Committee on Claims.

By Mr. Pendegast—An Act to provide for the construction and maintenance of a wagon road in Lake County.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Pacheco—An Act to fix the terms of the District Court of the First Judicial District of the State of California.

Read first and second times, rules suspended and bill placed on file.

By Mr. O'Connor—An Act for the promotion and encouragement of good morals, and to prevent the sale of spirituous and malt liquors in melodeons, beer cellars, concert halls, public gardens and drinking saloons by females, within this State.

Read first and second times and referred to the Committee on Public Morals.

#### MOTIONS AND RESOLUTIONS.

On motion of Mr. Comte, Senate Bill No. 101 was ordered on top of file for Wednesday next.

By Mr. Banvard :

*Resolved*, That when the Senate adjourns, it adjourns to meet on Monday next, thirteenth instant, at half-past two o'clock P. M.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Green, Larkin and Banvard, and the resolution was adopted by the following vote :

**AYES**—Messrs. Banvard, Betge, Burnett, Comte, Conly, Conn, Curtis Gwif, Maclay, Minis, Morrill, Murch, Pacheco, Perkins, Roberts, Saunders, Tompkins, Turner, Tweed, Wand and Wing—21.



**NOES**—Messrs. Chappell, Fowler, Green, Hager, Hunter, Hutchings, Irwin, Larkin, Lawrence, Lewis, O'Connor, Pendegast and Wilson—13.

Mr. Morrill, from the Committee on Enrolment, made the following report:

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 182—An Act to amend an Act entitled an Act to extend an Act entitled an Act to prevent stallions from running at large in the County of Sacramento, approved March twenty-eighth, eighteen hundred and fifty-nine, approved March twentieth, eighteen hundred and sixty.

And this day, at two o'clock and five minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

#### GENERAL FILE.

Senate Bill No. 146—An Act to divide the City of Oakland into wards and to provide for the holding of elections therein.

Passed on file until Tuesday next.

Assembly Bill No. 5—An Act for the relief of Patrick Campbell.

Read a third time and passed.

Assembly Bill No. 176—An Act to authorize the Board of Trustees of the Vallejo School District, in the County of Solano, to borrow money for school purposes.

Read a third time and passed.

Senate Bill No. 184—An Act to repeal an Act entitled an Act for the encouragement of agriculture and manufactures in California, approved April twenty-fifth, eighteen hundred and sixty-two, and to repeal an Act entitled an Act for the encouragement of silk culture in this State, approved March thirtieth, eighteen hundred and sixty-eight.

Amendments of committee adopted.

Read a third time and passed.

Senate Bill No. 216—An Act to repeal an Act entitled an Act concerning crimes and punishments, approved April first, eighteen hundred and sixty-four.

Read a third time and passed.

Senate Bill No. 126—An Act to ratify and confirm a certain conveyance made by the Board of Education of the City and County of San Francisco.

Read a third time and passed.

Senate Bill No. 295—An Act to aid the Mercantile Library Association, of the City and County of San Francisco.

Read a third time and passed.

Senate Bill No. 184—An Act relating to swamp and overflowed lands. Indefinitely postponed.

Senate Bill No. 199—An Act to provide for the payment of services heretofore rendered to the State of California, and to appropriate money. Passed on file.

Senate Bill No. 270—An Act to prevent the importation of Chinese criminals, and to prevent the establishment of coolie slavery.

Senate Bill No. 269—An Act to prevent the kidnapping and importation of Chinese and Japanese females for criminal purposes.

Mr. Lawrence moved to place Senate Bill No. 270 and Senate Bill No. 269 at the head of the file for Thursday next.

Mr. Hager moved to amend, by ordering the bills at the head of the file for Tuesday next.

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. O'Connor, Roberts and Lawrence, and the Senate refused, by the following vote:

**AYES**—Messrs. Banvard, Betge, Burnett, Comte, Curtis, Farley, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Maclay, Minis, O'Connor and Wand—16.

**NOES**—Messrs. Beach, Chappell, Conly, Fowler, Green, Lawrence, Lewis, McDougall, Morrill, Orr, Pacheco, Pendegast, Roberts, Tompkins, Turner, Tweed, Wilson and Wing—18.

The bills were then ordered to the top of the file for Thursday next.  
Senate Bill No. 109—An Act to settle and pay the unpaid expenses of the State Geological Survey.

Mr. Larkin moved to place the bill at the head of the file for Wednesday next.

Upon which the ayes and noes were demanded by Messrs. Fowler, Larkin and Conly, and the Senate refused, by the following vote:

**AYES**—Messrs. Comte, Farley, Fowler, Green, Hager, Hunter, Larkin, Murch and O'Connor—9.

**NOES**—Messrs. Beach, Betge, Chappell, Conly, Hutchings, Irwin, Kincaid, Lawrence, Lewis, McDougall, Minis, Morrill, Orr, Pacheco, Pendegast, Tompkins, Turner, Tweed, Wand, Wilson and Wing—21.

The bill was considered in Committee of the Whole.

Amendments of Judiciary Committee adopted and bill ordered engrossed.

Senate Bill No. 356—An Act to provide military instruction in the University of California, and to authorize the Governor to call into service the retired officers of the University Cadets in case of war or insurrection.

Ordered engrossed.

Senate Bill No. 83—An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Ordered engrossed.

Senate Bill No. 90—An Act to authorize Edward Hackett, his associates and assigns, to build and maintain a wharf on the Bay of San Francisco.

Considered in Committee of the Whole.

Section one amended by striking out "twenty-five" and inserting "twenty."

Section two amended by striking out the word "deep" and insert "sixteen feet."

Amend section three by adding "to be used only for the purpose of access and egress to and from said wharf," and also, after the word "grant" insert "the use."

#### IN SENATE.

Amendments made in Committee of the Whole adopted.

Upon ordering the bill engrossed, the ayes and noes were demanded by Messrs. Larkin, O'Connor and Fowler, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Beach, Chappoll, Comte, Hutchings, Irwin, Kincaid, Lawrence, Lewis, Maclay, McDougall, Minis, Morrill, Orr, Pacheco, Pendegast, Tompkins, Turner, Tweed, Wand, Wilson and Wing—21.

**NOES**—Messrs. Conly, Farley, Fowler, Green, Hager, Hunter, Larkin, O'Connor and Saunders—9.

Senate Bill No. 280—An Act amendatory of and supplemental to an Act entitled an Act to authorize the Judges of the Supreme Court to employ a Secretary, approved April twenty-third, eighteen hundred and fifty-eight.

Ordered engrossed.

Senate concurrent resolution, relative to a mail route in Santa Clara County.

Adopted.

On motion of Mr. Green, at three o'clock P. M., the Senate adjourned.

**WILLIAM HOLDEN,**

President of the Senate.

Attest : **JOSEPH ROBERTS, Jr.,** Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Monday, February 14th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Friday read and approved.

Leave of absence for one day was granted to Messrs. Farley, Chappell and Tweed, and for two days to Messrs. Roberts and Burnett, and indefinite leave to Mr. Irwin.

## PETITIONS.

By Mr. McDougall—From citizens of Monterey County, relative to amending the Act to define the boundary line between the Counties of Monterey and San Luis Obispo, approved April twentieth, eighteen hundred and sixty-three.

Reading dispensed with, and petition referred to the Committee on Counties and County Boundaries.

By Mr. Wing—From citizens of the City of Columbia, in Tuolumne County, for the repeal of the law incorporating said city.

Reading dispensed with, and petition referred to the Committee on Corporations.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

**Mr. PRESIDENT:** The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 117—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

Also, Senate Bill No. 167—An Act to extend the operation of the Act concerning trade marks and names, passed April eighth, eighteen hundred and sixty-three.

Also, Senate Bill No. 308—An Act to equalize the rates of fare of the City Railroad Company with certain other street railroad companies in the City and County of San Francisco.

Also, Senate Bill No. 236—An Act to provide funds for the School Department of the City and County of San Francisco.

Also, Senate Bill No. 67—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of San Joaquin to issue certain bonds and to provide for the payment of the principal and the interest thereon, approved April eighth, eighteen hundred and sixty-two.

Also, Senate Bill No. 187—An Act for the relief of Caleb Dorsey, District Attorney of Tuolumne County.

Also, Senate Bill No. 229—An Act to provide for the settlement of statements on appeal and on motion to set aside reports of Commissioners in certain cases.

Also, Senate Bill No. 341—An Act supplemental to an Act to regulate the care and maintenance of the indigent sick in and for Yuba County, approved April eighteenth, eighteen hundred and sixty.

Also, Senate Bill No. 263—An Act to confirm a certain ordinance and contract relating to lighting the streets of the City of Oakland.

Also, Senate Bill No. 319—An Act to authorize parties herein named the right to construct and maintain a wharf in the County of Solano.

Also, substitute for Senate Bill No. 145—An Act to authorize William Thompson and J. M. Martin, their associates and assigns, to build and maintain a wharf at the City of Vallejo, in the County of Solano.

Also, Senate Concurrent Resolution No. 27—Relative to mail route from San José to Saratoga, in Santa Clara County.

Also, Senate Bill No. 280—An Act amendatory and supplemental to an Act entitled an Act to authorize the Judges of the Supreme Court to employ a Secretary, approved April twenty-third, eighteen hundred and fifty-eight.

Also, Senate Bill No. 109—An Act to settle and pay the unpaid expenses of the State Geological Survey.

Also, Senate Bill No. 356—An Act to provide military instruction in the University of California, and to authorize the Governor to call into service the retired officers of University Cadets in a case of war or insurrection.

Also, substitute for Senate Bill No. 134—An Act to repeal an Act entitled an Act for the encouragement of agriculture and manufactures in California, approved April twenty-fifth, eighteen hundred and sixty-two, and to repeal an Act entitled an Act for the encouragement of silk culture in this State, approved March thirtieth, eighteen hundred and sixty-eight.

O'CONNOR, Chairman.

**Mr. Hager, from the Judiciary Committee, made the following report:**

**Mr. PRESIDENT:** The Committee on Judiciary having had under consideration the following bills, report back as follows :

Senate Bill No. 141—An Act supplementary to an Act entitled an Act to create a Board of Supervisors in the counties of this State and define their duties and powers, approved March nineteenth, eighteen hundred and fifty-five, and the several Acts amendatory thereof and supplementary thereto—with amendments, and recommend the adoption of the amendments and the passage of the bill as amended.

Also, Senate Bill No. 93—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—with amendments, and recommend the adoption of the amendments and the passage of the bill as amended.

Also, report back, with a substitute therefor, Senate Bill No. 204—An Act to protect the rights of married women in certain cases—and recommend the passage of the substitute.

Also, Senate Bill No. 22—An Act for the protection of white laborers—and report the same back and recommend that it do not pass.

HAGER, Chairman.

**Mr. Curtis,** from the Committee on Claims, made the following report :

**Mr. PRESIDENT:** The Committee on Claims have had under consideration Assembly Bill No. 11—An Act for the relief of Green T. Martin; also, Assembly Bill No. 66—An Act for the relief of W. V. McGarvey—and report them back and recommend their passage.

Your committee have also had under consideration Assembly Bill No. 166—An Act for the relief of Samuel Clayton—and report it back with an amendment, and recommend its passage as amended.

CURTIS, Chairman.

**Mr. Curtis,** from the Committee on Claims, verbally reported Senate Bill No. 181, with the recommendation that the same be referred to the Tuolumne delegation.

The bill was so referred.

Also, verbally reported Senate Bill No. 189, and the same was referred to the Committee on State and County Revenue.

**Mr. Pendegast,** from the Joint Committee on the Translation of the Laws into Spanish, made the following report :

**Mr. PRESIDENT:** Your Joint Committee on the Translation of the Laws into the Spanish language beg leave to report that they met in the office of the Secretary of State on Monday, the seventh instant, at twelve o'clock M., with a full committee present. The Secretary of State, in the presence of the committee, opened and presented the following bids, which were the only bids received up to that hour, to wit :

No. 1, from A. D. Splivolo, proposing to translate at thirty cents per folio.

No. 2, from N. Torris, proposing to translate at nineteen and three-quarter cents per folio.

- No. 3, from Geo. Fisher, at fifty cents per folio.
- No. 4, from J. A. Forbes, at twenty-five cents per folio.
- No. 5, from Thos. R. Eldredge, at fourteen cents per folio.
- No. 6, from C. Martinez, at eighteen cents per folio.
- No. 7, from Miss Lindley, at twenty-four cents per folio.

After examining said bids, the committee adjourned, to meet in the same office on Saturday, February twelfth, at twelve o'clock m., at which time and place your committee reassembled, with a full committee present; whereupon, it appearing that Thomas R. Eldredge was the lowest bidder, and your committee being satisfied as to his competency, his bid was accepted, and the translation of the laws of this the eighteenth session of the Legislature was awarded unto him, the said Thomas R. Eldredge.

PENDEGAST,  
Chairman Senate Committee.

ROBINSON,  
Chairman House Committee.

Mr. Murch, for the Humboldt, Klamath and Del Norte delegation, made the following report:

MR. PRESIDENT: The Humboldt, Klamath and Del Norte delegation, to whom was referred Assembly Bill No. 319—An Act to amend an Act to cede certain property to the Town of Crescent City—have had the same under consideration, and report it back recommending its passage.

MURCH, for Delegation.

The bill was referred to the Committee on Commerce and Navigation.

Mr. Larkin, from the Committee on State and County Revenue, made the following report:

MR. PRESIDENT: Your Committee on State and County Revenue have had under consideration Senate Bill No. 324, would report the same back and recommend its passage.

LARKIN, Chairman.

Mr. Minis, from the Committee on Swamp, Tide and Overflowed Lands, made the following report:

MR. PRESIDENT: The Committee on Swamp, Tide and Overflowed Lands, to whom was referred Assembly Bill No. 33—An Act to authorize the Board of Supervisors of Humboldt County to transfer moneys from one fund to another, and to provide for the disposition of the same—report the same back and recommend its indefinite postponement.

Your committee have also had under consideration Senate Bill No. 185—An Act to provide for the reclamation of swamp, salt marsh and other overflowed lands—and herewith report a substitute for the original bill, recommending the passage of the substitute.

MINIS, Chairman.

Mr. Comte presented the following report:

Mr. PRESIDENT: We, the undersigned, to whom was referred Senate Bill No. 299, report same back and recommend its passage as amended.

MINIS,  
CURTIS,  
COMTE,  
LARKIN,  
HUNTER,  
GWIN.

[President pro tem., Mr. Lewis, in the chair.]

# MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 14th, 1870. }

*To the Senate of the State of California :*

I herewith return to your honorable body, without my approval, Senate Bill No. 33—An Act for the relief of L. P. Hall and Samuel J. Garrison.

The object of this bill is to compensate, out of the State treasury, the persons named in the bill, for damages said to have been done to their property by a mob in Visalia. The property destroyed was a newspaper published in Tulare County, and the mob seems to have been composed mainly, if not entirely, of men enlisted in the service of the United States.

No good citizen will justify any interference with the freedom of the press, which, though it may be sometimes abused, is indispensable to the maintenance of republican government. Upon it reliance must rest for the detection of fraud, the reformation of abuses, and a healthful censorship of men and measures. Any interference with freedom of discussion in public journals, therefore, is a blow aimed at the interests of society.

Because the lawless violence of the mob in Tulare County merits condemnation, it by no means follows, however, that the State treasury should be drawn upon to make good the loss. The policy of our legislation is to make the counties responsible for the loss occasioned by mob violence. This has been acted upon in the case of the presses which were destroyed in San Francisco, and there seems to be no sufficient reason for a distinction between that case and the one in Tulare County. It is argued that the soldiers were not sent to Tulare County at the request of its citizens, and were not residents of the county. The rule, however, does not rest upon citizenship or residence. It is founded upon the principle that the county is responsible for damage done by mob violence, because upon the county authorities, as representatives of the people, is devolved the duty of preserving order and of protecting property.

That the outbreak was unforeseen and could not be prevented does not touch the reason of the rule. Mobs are often sudden and in most cases are composed of an irresponsible and lawless population. The taxpayers of the county are, nevertheless, and justly so, because they are thereby stimulated to prevent lawless violence. There is also the advantage

tigation into the actual loss, where the taxpayers are represented by counsel, instead of an ex parte showing before a legislative committee, which is not so satisfactory a mode of ascertaining damages, the evidence being chiefly, if not exclusively, on one side.

If the time for suing Tulare County has elapsed, proper legislation would remedy the difficulty.

For these reasons, I feel compelled to withhold approval of this bill.

H. H. HAIGHT,  
Governor.

The consideration of the above message was made the special order for Thursday next, at one o'clock P. M.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 14th, 1870.

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 182—An Act to amend an Act entitled an Act to extend an Act entitled an Act to prevent stallions from running at large in the County of Sacramento, approved March twenty-eighth, eighteen hundred and fifty-nine, approved March twentieth, eighteen hundred and sixty.

Also, Senate Bill No. 207—An Act for the payment of the salary of the County Judge of Tuolumne County.

Also, Senate Bill No. 2—An Act to repeal an Act entitled an Act to prohibit the carrying of concealed weapons, approved April twenty-seventh, eighteen hundred and sixty-three.

H. H. HAIGHT,  
Governor.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER, }  
February 14th, 1870.

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the tenth instant, concurred in Senate amendments to Assembly Bills Nos. 23 and 111.

And, on the eleventh instant, passed Assembly Bill No. 140—An Act authorizing John N. Dudleston and his assigns to construct and maintain a toll road in Mono County.

Also, Assembly Bill No. 211—An Act amendatory and supplemental to an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourth, eighteen hundred and fifty-three, and the Act amendatory thereof and supplemental thereto.

Also, Assembly Bill No. 212—An Act to amend section four of an Act entitled an Act to provide for the licensing of auctioneers and to define their duties and liabilities.



Also, Assembly Bill No. 267—An Act to authorize W. W. Fowler, George J. Hooper, and their associates and assigns, to lay down gas pipes in the City of San Diego.

Also, Assembly Bill No. 41—An Act to create a Bank Commissioner, to prescribe his duties and powers.

And passed Senate Bill No. 168—An Act directing the Controller of State to draw a certain duplicate warrant.

Also, Senate Bill No. 135—An Act to authorize Morris Wolff, Lewis Jacobs and John Ruffin, and their assigns, owners of an artesian well in the Town of San Bernardino, to lay down water pipes in the public streets of said town.

Also, Senate Bill No. 231—An Act to amend an Act entitled an Act to create the Seventeenth Judicial District, approved March nineteenth, eighteen hundred and sixty-eight.

Also, adopted and passed a substitute for Senate Concurrent Resolution No. 6—Relative to mineral lands.

And adopted and concurred in the report of the Committee of Conference on Assembly Bill No. 77—An Act to encourage the destruction of squirrels and gophers in certain counties of this State, and to provide for a bounty for the same.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 140, above reported, read first and second times and referred to the Committee on Roads and Highways.

Assembly Bill No. 211, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 212, above reported, read first and second times and referred to the Committee on State and County Revenue.

Assembly Bill No. 267, above reported, read first and second times and referred to the San Diego delegation.

Assembly Bill No. 41, above reported, read first and second times and referred to the Judiciary Committee.

Assembly substitute for Senate Concurrent Resolution No. 6, above reported, read first and second times and referred to the Committee on Mines and Mining Interests

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Conn—An Act to authorize the Board of Supervisors of the County of Monterey to donate the bonds of said county to the Monterey and Salinas Railroad Company and to provide for the payment of the same, and other matters relating thereto.

Read first and second times and referred to the Committee on Corporations.

By Mr. Perkins—An Act to amend an Act entitled an Act to authorize J. Bidwell, J. C. Mandeville and others, to construct a wagon road in the Counties of Butte and Plumas, approved April fourteenth, eighteen hundred and sixty-three, and amended March sixteenth, eighteen hundred and sixty-four.

Read first and second times and referred to the Committee on Corporations.

By Mr. Lawrence—An Act to provide for the construction of a wagon road by the County of Mariposa.

Read first and second times and referred to the Committee on Corporations.

By Mr. Pacheco—An Act to amend an Act entitled an Act to incorporate the Town of Santa Barbara, approved February tenth, eighteen hundred and sixty-four.

Read first and second times and referred to the Committee on Corporations.

By Mr. Minis—An Act to protect fishing in the Sacramento River.

Read first and second times and, with accompanying documents, referred to the Special Committee on Fish.

By Mr. Curtis—An Act to amend an Act entitled an Act to provide for paying certain equitable claims against the State of California and to contract a funded debt for that purpose, approved April twenty-eighth, eighteen hundred and fifty-seven.

Read first and second times and referred to the Finance Committee.

Also, an Act to amend an Act entitled an Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same and to levy a tax to pay such bonds, approved April fourth, eighteen hundred and sixty-four.

Read first and second times and referred to the Finance Committee.

By Mr. Comte (by request)—An Act concerning the outside lands of the City and County of San Francisco.

Read first and second times and referred to the Committee on Public Lands.

Also, an Act amending an Act entitled an Act concerning forcible entries and unlawful detainers and to repeal all other Acts on the same subject, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times and referred to the Judiciary Committee.

By Mr. Green—An Act to amend an Act entitled an Act for the protection of game, passed May fifteenth, eighteen hundred and fifty-four.

Read first and second times and placed on file.

#### MOTIONS AND RESOLUTIONS.

By Mr. Betge:

*Resolved*, That the Committee on Military Affairs have leave of absence for one day, for the purpose of participating in the trial of fire-arms for the militia of the State of California.

Adopted.

By Mr. Kincaid:

*Resolved*, That William Thompson, Assistant Engrossing Clerk, be granted an indefinite leave of absence, on account of sickness.

Adopted.

By Mr. Minis:

*Resolved*, That two additional members to the Special Committee on Fees and Salaries be appointed by the President of the Senate.

<sup>1</sup> adopted.

By Mr. Kincaid :

*Resolved*, That Philip Oppenheim is hereby appointed to act as Assistant Engrossing Clerk, at the same per diem as is granted to assistants, during the sickness of William Thompson, payable out of the Contingent Fund of the Senate.

Lost.

On motion, the joint resolution introduced by Mr. Fowler, December thirteenth, eighteen hundred and sixty-nine, was taken from the table and referred to the Committee on Federal Relations.

By unanimous consent, the special order for Tuesday evening, at seven and a half o'clock P. M., was postponed until Wednesday next, at two and a half o'clock P. M.

Mr. Hager had leave to present a petition from citizens of the City of San Francisco, for the passage of a bill relative to the Steam Grading Company.

Reading dispensed with and petition referred to the San Francisco delegation.

#### GENERAL FILE.

Senate Bill No. 267—An Act to amend an Act to authorize the Board of Supervisors of Yuba County to levy and collect tolls on the Marysville and Brown's Valley turnpike.

Read a third time and passed.

Senate Bill No. 240—An Act granting to the North Beach and Mission Railroad Company certain rights therein named.

Read a third time and passed.

[President in the chair.]

Senate Bill No. 310—An Act amendatory of and supplementary to an Act entitled an Act to provide for the construction of the State Capitol.

Read a third time and passed.

Senate Bill No. 259—An Act to amend an Act entitled an Act defining the time of commencing civil actions.

Read a third time and passed.

Senate Bill No. 116—An Act to fix and regulate the salaries of the Auditor's Clerk and Deputy Treasurers of the City and County of San Francisco

Read a third time and passed.

Senate Bill No. 262—An Act to provide for an official survey of the swamp and overflowed, tide and salt marsh lands in Marin County.

Read a third time and passed.

Senate Bill No. 168—An Act to extend an Act entitled an Act concerning District Court Reporters to the Seventeenth Judicial District.

Read a third time and passed.

Assembly Bill No. 323—An Act to amend an Act entitled an Act concerning roads and highways in the County of Mendocino.

Read a third time and passed.

Assembly Concurrent Resolution No. 7—Directing the Surveyor-General not to accept more applications for land.

Lost.

Assembly Concurrent Resolution No. 10—Relative to establishing a mail route and Post-office.

Substitute reported by committee adopted.

Assembly Concurrent Resolution No. 5—Relative to establishing a mail route in Fresno County.

Read and adopted.

Senate Bill No. 357—An Act to confirm the action of the Board of Trustees of the City of Vallejo, in relation to certain privileges granted to the Vallejo City Water Company.

Amendments of committee adopted and bill ordered engrossed.

Senate Bill No. 221—An Act providing for the adoption of minors and the legitimizing of children born out of wedlock.

Ordered engrossed.

Senate Bill No. 154—An Act authorizing Hiram Tubbs and others to construct and operate a street railroad in the County of Alameda.

Substitute adopted and bill ordered engrossed.

Senate Bill No. 114—An Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island, Vallejo and Benicia.

Made the special order for Thursday next, at one o'clock P. M.

Senate Bill No. 115—An Act supplementary to and amendatory of an Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia, approved April fourteenth, eighteen hundred and sixty-four.

Made the special order for Thursday next, at one o'clock P. M.

Senate Bill No. 195—An Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia.

Made the special order for Thursday next, at one o'clock P. M.

Senate Bill No. 194—An Act to amend an Act entitled an Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia, approved April fourth, eighteen hundred and sixty-four.

Made the special order for Thursday next, at one o'clock P. M.

Senate Bill No. 99—An Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia.

Indefinitely postponed.

Senate Bill No. 110—An Act to authorize a steam ferry to ply between South Vallejo, the City of Vallejo and Mare Island.

Referred to the Judiciary Committee.

Senate Bill No. 144—An Act to authorize William Vanderhurst and others to construct a railroad from the City of Monterey to the Town of Salinas.

Amendments adopted and bill ordered engrossed.

Senate Bill No. 174—An Act to authorize William Aspenall and others to lay down and maintain water pipes in the public streets of the City of Vallejo.

Indefinitely postponed.

Senate Bill No. 171—An Act to confer certain powers on Weber Engine Fire Company, Number One, of the City of Stockton.

Indefinitely postponed.

Senate Bill No. 199—An Act to provide for the payment of services heretofore rendered to the State of California, and to appropriate money. Recommitted to the Finance Committee.

At four o'clock and forty minutes P. M., on motion of Mr. Green, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, February 15th, 1870. }

Senate met pursuant to adjournment.  
President in the chair.  
Roll called.  
Quorum present.  
Prayer by the Chaplain.  
Journal of yesterday read and approved.

## PETITION.

By Mr. Pendegast—From citizens of Lake County, for the passage of a bill providing for the construction of a wagon road in said county.  
Reading dispensed with and petition referred to the Committee on Roads and Highways.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed substitute for Senate Bill No. 154—An Act authorizing Hiram Tubbs and others to construct and operate a street railroad in the County of Alameda.

Also, Senate Bill No. 83—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, approved April twenty-ninth, A. D. eighteen hundred and fifty-one.

Also Senate Bill No. 357—An Act to confirm the action of the Board of Trustees of the City of Vallejo, in relation to certain privileges granted to the Vallejo City Water Company.

Also, Senate Bill No. 221—An Act providing for the adoption of minors and the legitimizing of children born out of wedlock.

Also, Senate Bill No. 90—An Act to authorize Edward Hackett, his associates and assigns, to build and maintain a wharf on the Bay of San Francisco.

O'CONNOR, Chairman.

Mr. Hutchings made the following report :

Mr. PRESIDENT: Your committee, to whom was referred Senate Bill No. 393—Report favorably and recommend its passage.

Also, Assembly Bill No. 44—Report back substitute and recommend its passage.

HUTCHINGS, Chairman.

Mr. Conly, from the Plumas delegation, verbally reported Assembly Bill No. 156, and recommended the passage of the same.

Mr. Wing, from the Tuolumne delegation, made the following report :

**Mr. PRESIDENT:** The Tuolumne delegation, to whom was referred Assembly Bill No. 181—An Act for the relief of the District Collectors of Revenue Districts One, Two, Three and Four, in Tuolumne County—having had the same under consideration, would respectfully report the bill back and recommend its passage.

**WING, for Delegation.**

**Mr. Pendegast, from the Lake delegation, made the following report :**

**Mr. PRESIDENT:** The Lake delegation, to whom was referred Assembly Bill No. 255, have had the same under consideration, and beg leave to report it back with the recommendation that it pass.

**PENDEGAST, for Delegation.**

By unanimous consent, the special order for Wednesday, at half-past two o'clock P. M., was discharged, and made the special order for Friday next, at one o'clock P. M.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By **Mr. Saunders**—An Act supplemental to an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets, approved March thirtieth, eighteen hundred and sixty-eight.

Read first and second times and referred to the Judiciary Committee.

By **Mr. Pacheco**—An Act to authorize John P. Stearns and his associates to construct and maintain a wharf at Santa Baroara

Read first and second times and referred to the Committee on Commerce and Navigation.

By **Mr. Farley**—An Act granting the right to remove obstacles in the Mokelumne River and head waters thereof; to float, drive and transport wood of every description, saw-logs, timber, lumber and other materials along and down the same; to charge and collect toll from others floating, driving or transporting wood, logs, etc., as aforesaid, and to build, erect and maintain such structures and works as may be necessary for the enjoyment of such rights.

Read first and second times and referred to the Committee on Commerce and Navigation.

By **Mr. McDougall**—An Act making an appropriation for translating into Spanish the several State documents ordered during the present session of the Legislature

Read first and second times and referred to the Finance Committee.

By **Mr. Pendegast**—An Act to provide for the reclamation of the swamp and overflowed land in Lake County.

Read first and second times and referred to the Committee on Swamp and Overflowed Lands, and ordered printed.

#### MOTIONS AND RESOLUTIONS.

By **Mr. Lewis:**

*Resolved* by the Senate, the Assembly concurring, That John W. Bost, Surveyor-General of this State, is hereby granted leave of absence from this State, for the period of sixty days, at such time as he may select

during his term of office; *provided*, he shall leave a competent and responsible deputy in his office during his absence.

Adopted.

Mr. Wilson introduced a concurrent resolution, relative to the erection of a breakwater at Wilmington Harbor.

Reading dispensed with, and nine hundred and forty copies of same (together with accompanying map and documents) ordered printed, and referred to the Committee on Federal Relations.

[For resolutions, etc., see Appendix.]

Mr. Curtis was granted leave of absence for two days.

#### GENERAL FILE.

Substitute for Senate Bill No. 167—An Act to extend the operation of the Act concerning trade marks and names, passed April eighth, eighteen hundred and sixty-three.

Read a third time and passed.

Senate Bill No. 341—An Act supplemental to an Act to regulate the care and maintenance of the indigent sick of Yuba County.

Read a third time and passed.

Senate Bill No. 263—An Act to confirm a certain ordinance and contract relating to lighting the streets of Oakland.

Read a third time and passed.

Senate Bill No. 319—An Act to authorize parties herein named the right to construct and maintain a wharf in Solano.

Read a third time and passed.

Substitute for Senate Bill No. 145—An Act to authorize William Thompson, J. M. Martin and associates, to build and maintain a wharf in Vallejo, County of Solano.

Read a third time and passed.

Senate Bill No. 280—An Act amendatory and supplemental to an Act to authorize the Judges of Supreme Court to employ a Secretary, approved April twenty-third, eighteen hundred and fifty-eight.

Read a third time and passed.

Senate Bill No. 109—An Act to settle and pay the expenses of the Geological Survey.

Read a third time and passed.

Senate Bill No. 856—An Act to provide military instruction in the University of California, and to authorize the Governor to call into service the retired officers of University Cadets in case of war or insurrection.

Read a third time and passed.

Senate Bill No. 141—An Act supplemental to an Act entitled an Act to create a Board of Supervisors in the counties of this State and defining their duties.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in committee adopted and bill ordered engrossed.

Senate Bill No. 93—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Considered in Committee of the Whole and amended.

## IN SENATE.

Amendments made in committee adopted and bill ordered engrossed.  
Senate Bill No. 204—An Act to protect the rights of married women in certain cases.

Substitute reported by Judiciary Committee adopted and bill ordered engrossed.

[Mr. Murch in the chair.]

Senate Bill No. 22—An Act for the protection of white laborers.

Ordered on file for Thursday next.

Assembly Bill No. 11—An Act for the relief of Green T. Martin

Read a third time and passed.

Substitute for Assembly Bill No 66—An Act for the relief of W. V. McGarvey.

Substitute reported by Committee on Claims adopted.

Read a third time and passed.

Assembly Bill No. 166—An Act for the relief of Samuel Clayton.

Amendment adopted.

Read a third time and passed.

Senate Bill No. 324—An Act to authorize the Board of Supervisors of Santa Barbara County to pay the claim of Assa Porter and Augustine Janssens.

Amendment adopted and bill ordered engrossed.

On motion of Mr. Pacheco, the vote by which the bill was ordered engrossed was reconsidered.

On motion of same, rules suspended, bill considered engrossed, read a third time and passed.

Title amended and amendment adopted.

Assembly Bill No. 33—An Act to authorize the Board of Supervisors of Humboldt County to transfer moneys from one fund to another and provide for the disposition of the same.

Indefinitely postponed.

Substitute for Senate Bill No. 185—An Act to provide for the reclamation of the swamp and salt marsh, tide and other overflowed lands.

Substitute adopted and ordered on top of file for Saturday next, and ordered printed.

Senate Bill No. 299—An Act to provide for the appointment of phonographic reporters.

Considered in Committee of the Whole and amended.

## IN SENATE.

Amendments of committee adopted and bill ordered engrossed.

Senate Bill No. 405—An Act to amend an Act entitled an Act for the protection of game, passed May fifteenth, eighteen hundred and fifty-four.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 10—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, passed April twenty-seventh, eighteen hundred and sixty-three.

Substitute reported by Judiciary Committee adopted and bill ordered engrossed.

The rules were suspended, and Mr. Betge had leave to introduce the following resolution :



*Resolved*, That the delegation of El Dorado and Placer Counties be added to the delegation of San Francisco, to consider Senate Bill No. 346—An Act to aid in providing a supply of fresh water from Lake Bigler, etc.

Adopted.

Mr. Morrill, from the Committee on Enrolment, made the following report :

Mr. PRESIDENT: Your Committee on Enrolment respectfully report they have examined and find correctly enrolled substitute for Senate Bill No. 102—An Act to amend an Act entitled an Act concerning escheated estates, approved May fourth, eighteen hundred and fifty-two.

And this day, at eleven o'clock and forty-five minutes A. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

The President appointed, as additional members of the Special Committee on Fees, Messrs. Minis and Hutchings.

Mr. Pendegast had leave to introduce the following bill—An Act for the relief of Henry N. Morse, Sheriff of Alameda County.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Pacheco, Senate took up consideration of Senate Bill No. 394—An Act to fix the terms of the District Courts of the First Judicial District of the State of California.

Rules suspended, bill considered engrossed, read a third time and passed.

At twelve o'clock and thirty minutes P. M., by unanimous consent, the order making Senate Bill No. 63 the special order for this day, at one o'clock P. M., was set aside, and the motion to reconsider was taken up at this time.

Mr. Lewis moved to indefinitely postpone the motion to reconsider the vote whereby said bill was passed.

Upon the motion to indefinitely postpone, the ayes and noes were demanded by Messrs. Farley, Lewis and Larkin, and the motion prevailed, by the following vote :

AYES—Messrs. Banvard, Beach, Chappell, Comte, Conly, Hutchings, Kincaid, Lawrence, Lewis, Maclay, McDougall, Morrill, Murch, Orr, Pacheco, Perkins, Roberts, Tompkins, Turner, Tweed and Wing—21.

NOES—Messrs. Betge, Conn, Farley, Fowler, Green, Gwin, Hager, Hunter, Larkin, O'Connor, Pendegast, Wand and Wilson—13.

At twelve o'clock and forty-five minutes P. M., on motion of Mr. Orr, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest : JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, February 16th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITIONS.

By Mr. Saunders—Remonstrance from citizens of San Francisco, against the passage of Assembly Bill No. 71.

Referred to the San Francisco delegation.

By Mr. Lewis—From citizens of Red Bluff, for the passage of an Act providing for the levy of a special tax for the erection of a school house.

Referred to the Committee on Education.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 141—An Act supplemental to an Act entitled an Act to create a Board of Supervisors in the counties of this State and to define their duties and powers, approved March twentieth, A. D. eighteen hundred and fifty-five, and the several Acts amendatory thereof and supplemental thereto.

Also, Senate Bill No. 93—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred fifty-one.

Also, substitute for Senate Bill No. 204—An Act to protect the rights of married women in certain cases.

Also, Senate Bill No. 324—An Act to authorize the Board of Supervisors of Santa Barbara County to pay the claims of Assa Porter and Augustine Janssens.

Also, Senate Bill No. 299—An Act providing for the appointment of phonographic reporters in certain cases.

Also, Senate Bill No. 405—An Act to amend an Act entitled an Act for the protection of game, passed May fifteenth, eighteen hundred and fifty-four.

Also, substitute for Senate Bill No. 10—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Also, Senate Bill No. 394—An Act to fix the terms of the District Court of the First Judicial District of the State of California.

Also, Senate Bill No. 144—An Act to authorize William Vanderhurst et al. to construct a railroad from the City of Monterey to the Town of Salinas.

O'CONNOR, Chairman.

Mr. McDougall, from the Committee on State Hospitals, made the following report :

Mr. PRESIDENT : The Committee on State Hospitals, to whom was referred Senate Bill No. 331—An Act supplementary to an Act entitled an Act to authorize the Board of Managers of the San Francisco Orphan Asylum Society, or any other orphan asylum society in this State, to bind as apprentices, clerks and servants, orphan and half orphan children under their care and tuition, approved February twenty-second, A. D. eighteen hundred and sixty—having had the same under consideration, report it back without amendment and recommend its passage.

Also, Senate Bill No. 314—An Act authorizing the Trustees of the San Francisco Lying-in Hospital and Foundling Asylum to take charge of, bind out and give away children coming under their care—and recommend its passage.

McDOUGALL, Chairman.

Mr. Wing, from the Tuolumne delegation, made the following report :

Mr. PRESIDENT : The Tuolumne delegation, to whom was referred Senate Bill No. 159—An Act in relation to road indebtedness of Tuolumne County incurred in the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven—having had the same under consideration, respectfully report the bill back and recommend its passage.

MANDEVILLE,  
WING.

On motion of Mr. Mandoville, the rules were suspended and bill above reported considered engrossed, read a third time and passed.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 16th, 1870. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved substitute for Senate Bill No. 102—An Act to amend an Act entitled an Act concerning escheated estates, approved May fourth, eighteen hundred and fifty-two.

Also, Senate Bill No. 181—An Act to expunge from the journal the judgment of the Senate entered against James H. Hardy, on the fourteenth day of May, eighteen hundred and sixty-two.

H. H. HAIGHT,  
Governor.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 15th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on Friday, the eleventh instant, passed Assembly Bill No. 189—An Act to provide for a street railroad in the City and County of San Francisco.

And, yesterday, passed Assembly Concurrent Resolution No. 33—Relative to the correction of an error in Senate Bill No. 297.

Also, passed Assembly Bill No. 164—An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons.

Also, Assembly Bill No. 235—An Act to amend an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty.

And, on the same day, passed Senate Bill No. 137—An Act to provide for levying a special tax to construct and furnish a public school house in Merced Falls School District, in Merced County.

And Senate Bill No. 91—An Act ratifying and confirming action of Common Council of the City of Oakland for relief of John Scott.

FERRAL,  
Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 235, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 164, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 189, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Concurrent Resolution No. 33, above reported, adopted.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Maclay—An Act to authorize the Board of Trustees of Mountain View School District, Santa Clara County, State of California, to submit to the qualified voters of said district whether they will be taxed for the purpose of building a school house in said district and furnishing the same.

Read first and second times and referred to the Committee on Education.

By Mr. Banvard—An Act to provide for the collection of revenue in the County of Placer.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Conly—An Act to appropriate money for the payment of certain unpaid interest coupons issued by authority of the Legislature of this State.

Read first and second times and referred to the Finance Committee.

By Mr. Saunders—An Act supplementary to an Act entitled an Act to establish a quarantine for the Bay and Harbor of San Francisco, and sanitary regulations for the City and County of San Francisco, approved April second, eighteen hundred and sixty-six.

Read first and second times and, with accompanying documents, referred to the San Francisco delegation.

Also, an Act amendatory and supplemental to an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three, and the Acts amendatory thereof and supplemental thereto.

Read first and second times and referred to the Committee on Corporations.

By Mr. Hager—An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, A. D. eighteen hundred and sixty-one.

Read first and second times and referred to the Committee on Corporations.

Also, an Act supplemental to and amendatory of an Act entitled an Act supplemental to and to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three, approved April fourth, eighteen hundred and sixty-four.

Read first and second times and referred to the Judiciary Committee.

#### MOTIONS AND RESOLUTIONS.

By Mr. Kincaid :

*Resolved*, That the Sergeant-at-Arms be and he is hereby instructed to furnish the Lieutenant-Governor, each Senator, the Secretary of the Senate and the Sergeant-at-Arms, with fifteen dollars worth, each, of postage stamps or express envelops, the expense thereof to be paid out of the Contingent Fund.

Read and referred to the Committee on Contingent Expenses.

Mr. Lewis moved to suspend the rules and discharge the special order making Senate Bills Nos. 195, 114, 115 and 194 the special order for Thursday, February seventeenth, at one o'clock P. M., and that said bills be referred to the Judiciary Committee.

Upon which the ayes and noes were demanded by Messrs. Green, Morrill and Lewis, and the Senate refused, by the following vote :

**AYES**—Messrs. Banvard, Farley, Fowler, Gwin, Hager, Hunter, Hutchings, Lewis, Maclay, Mandeville, McDougall, O'Connor, Orr, Roberts, Saunders and Wand—16.

**NOES**—Messrs. Beach, Betge, Burnett, Chappell, Comte, Conly, Green, Irwin, Kincaid, Minis, Morrill, Murch, Pacheco, Pendegast, Perkins, Tompkins, Turner, Tweed and Wing—19.

#### GENERAL FILE.

Senate Bill No. 101—An Act to establish a State Board of Health.

Upon ordering the bill engrossed, the ayes and noes were demanded by Messrs. Hager, Murch and O'Connor, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Betge, Burnett, Comte, Green, Gwin, Hunter, Hutchings, Irwin, Kincaid, Lewis, Maclay, Mandeville, McDougall, Morrill, Orr, Perkins, Saunders, Tompkins, Turner, Tweed, Wand, Wilson and Wing—23.

**NOES**—Messrs. Banvard, Beach, Chappell, Conly, Fowler, Hager, Larkin, Minis, Murch, O'Connor and Roberts—11.

**Senate Bill No. 83**—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Read a third time and passed.

**Senate Bill No. 90**—An Act to authorize Edward Hackett, his associates and assigns, to build and maintain a wharf on the Bay of San Francisco.

**Mr. Mandeville** moved to recommit the bill to the Committee on Commerce and Navigation.

Upon which the ayes and noes were demanded by Messrs. Larkin, Hager and Mandeville, and the Senate refused, by the following vote:

**AYES**—Messrs. Farley, Fowler, Green, Hager, Hunter, Larkin, Mandeville, O'Connor, Perkins, Saunders and Wand—11.

**NOES**—Messrs. Banvard, Beach, Betge, Burnett, Chappell, Comte, Conly, Gwin, Hutchings, Irwin, Kincaid, Lawrence, Lewis, Maclay, McDougall, Minis, Morrill, Murch, Orr, Pendegast, Roberts, Tompkins, Turner, Tweed, Wilson and Wing—26.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Larkin, Hager and Maclay, and the bill was passed, by the following vote:

**AYES**—Messrs. Banvard, Beach, Burnett, Chappell, Comte, Conly, Gwin, Hutchings, Kincaid, Lawrence, Lewis, Maclay, McDougall, Minis, Morrill, Orr, Pendegast, Perkins, Tompkins, Turner, Tweed, Wand and Wing—23.

**NOES**—Messrs. Betge, Farley, Fowler, Green, Hager, Hunter, Larkin, Mandeville, Murch, O'Connor, Saunders and Wilson—12.

**Senate Bill No. 357**—An Act to confirm the action of the Board of Trustees of the City of Vallejo in relation to certain privileges granted to the Vallejo City Water Company.

Read a third time and passed.

**Senate Bill No. 221**—An Act providing for the adoption of minors and the legitimizing of children born out of wedlock.

Read a third time and passed.

**Senate Bill No. 154**—An Act authorizing Hiram Tubbs and others to construct and operate a street railroad in the County of Alameda.

Read a third time and passed.

**Assembly Bill No. 44**—An Act concerning roads and highways in the County of Humboldt.

Substitute reported by Humboldt delegation adopted.

Bill read a third time and passed.

**Assembly Bill No. 255**—An Act to amend an Act entitled an Act to provide for the erection of county buildings in the County of Lake.

Rule requiring bills to be referred to a standing committee suspended.

Bill read a third time and passed.

**Assembly Bill No. 181**—An Act for the relief of the District Collectors of Revenue Districts One, Two, Three and Four, of Tuolumne County.

Read a third time and passed.

**Assembly Bill No. 156**—An Act to authorize the construction and

maintenance of a wagon road between Indian Valley and Sierra Valley, in the County of Plumas.

Referred to the Judiciary Committee.

The hour of one o'clock having arrived, Senate took up consideration of special order.

By unanimous consent, the consideration of the same was temporarily suspended.

Senate Bill No. 393—An Act to provide for the construction and maintenance of a wagon road in Lake County.

Ordered engrossed.

#### SPECIAL ORDER.

At one o'clock and five minutes P. M. Senate took up consideration of special order.

Senate Bill No. 301—An Act to divide the State into congressional districts and fix the time to elect Representatives to Congress.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendment made in Committee of the Whole adopted.

Upon ordering the bill engrossed, the ayes and noes were demanded by Messrs. Roberts, Chappell and Murch, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Betge, Burnett, Comte, Farley, Fowler, Gwin, Hager, Hunter, Kincaid, Larkin, Lawrence, Lewis, Mandeville, McDougall, Morrill, O'Connor, Pendegast, Saunders and Wand—20.

**NOES**—Messrs. Beach, Chappell, Conly, Green, Murch, Orr, Pacheco, Perkins, Roberts, Tompkins, Turner, Wilson and Wing—13.

#### GENERAL FILE RESUMED.

Mr. Banvard had unanimous leave to withdraw Senate Bill No. 413—An Act to provide for the collection of revenue in the County of Placer. [President pro tem. in the chair.]

Senate Bill No. 153—An Act to equalize taxation among the counties of this State.

Mr. Larkin moved to place the bill at the top of the file for Thursday next.

Lost.

Amendments of Judiciary Committee adopted.

[Mr. Pendegast in the chair.]

The bill was then considered in Committee of the Whole and amended.

Mr. Lawrence moved a call of the Senate.

Upon the motion, the ayes and noes were demanded by Messrs. Maclay, Betge and Green, and the motion was lost, by the following vote:

**AYES**—Messrs. Chappell, Farley, Fowler, Lawrence, McDougall, Morrill, Orr, Pendegast, Roberts, Wand and Wilson—11.

**NOES**—Messrs. Banvard, Beach, Betge, Burnett, Conly, Green, Gwin, Hager, Hunter, Hutchings, Kincaid, Larkin, Lewis, Maclay, Minis, O'Connor, Perkins, Saunders and Turner—19.

Mr. Tweed was granted leave of absence for one day.

Amendments made in Committee of the Whole to Senate Bill No. 153 adopted, and bill ordered engrossed.

At three o'clock and five minutes P. M., on motion of Mr. Farley, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Thursday, February 17th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Leave of absence was granted to Messrs. Pacheco and Tweed for one day.

## PETITION.

By Lieutenant-Governor Holden—From the Managers of the Protestant Orphan Asylum of San Francisco.

Read and referred to the Finance Committee, and ordered printed.

## REPORTS.

Mr. O'Connor, from the Engrossing Committee, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 411—An Act for the relief of Henry N. Morse, Sheriff of Alameda County.

Also, Senate Bill No. 101—An Act to establish a State Board of Health.

Also, Senate Bill No. 393—An Act to provide for the construction and maintenance of a wagon road in Lake County.

Also, Senate Bill No. 159—An Act in relation to road indebtedness of Tuolumne County, incurred in the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven.

Also, Senate Concurrent Resolution No. 29—Relative to granting leave of absence to J. W. Bost.

Also, Senate Bill No. 301—An Act to divide the State into congressional districts, and fix the time to elect Representatives to Congress.

O'CONNOR, Chairman.



Mr. Larkin, from the Committee on Finance, presented the following majority report :

MR. PRESIDENT: We, the undersigned, a majority of the Committee on Finance, have had under consideration Assembly Bill No. 25—An Act to pay certain outstanding indebtedness of the County of Mono—would report the same back and recommend that it do not pass.

LARKIN,  
PERKINS,  
WILSON.

Mr. MacLay, from the Committee on Education, made the following report :

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 412—An Act to authorize the Board of Trustees of Mountain View School District, Santa Clara County, to submit to the qualified voters of said district whether they will be taxed to build a school house and furnish the same—have had the same under consideration, report the bill back and recommend its passage.

MACLAY, Chairman.

Mr. McDougall, from the Committee on State Hospitals, made the following report :

MR. PRESIDENT: Your Committee on State Hospitals, to whom was referred Senate Bill No. 209—An Act to create a State Hospital and Almshouse—having had the same under consideration, report it back with amendments, and recommend its passage as amended.

McDOUGALL, Chairman.

Mr. Farley, from the Committee on Federal Relations, made the following report :

MR. PRESIDENT: Your Committee on Federal Relations have directed me to report Senate Concurrent Resolution No. 13—Relative to mail route in Merced County—and recommend its passage.

FARLEY, Chairman.

Mr. Burnett, from the Sonoma delegation, made the following report :

MR. PRESIDENT: The Sonoma delegation, to whom was referred Assembly Bill No. 253—An Act to authorize the Board of Supervisors of Sonoma County to transfer certain money from the General Fund to the Road Fund—have had the same under consideration, report the bill back and recommend its passage.

BURNETT.

Mr. Banvard, from the Committee on Finance, made the following report :

MR. PRESIDENT: Your Committee on Finance have had under consideration Senate Bill No. 66—An Act to provide for the welfare and

increase the efficiency of the California Institution for the Deaf and Dumb and the Blind—and recommend its passage.

Also, Senate Bill No. 191—An Act to provide for the payment of certain warrants drawn upon the State Treasurer—and recommend that it do not pass.

Also, Senate Bill No. 309—An Act to authorize the Board of Supervisors of San Joaquin County to appropriate money for the use of the San Joaquin Valley Agricultural Society—and recommend its passage.

Also, substitute for Senate Bill No. 5—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, passed May seventeenth, eighteen hundred and sixty-one—and recommend that it be referred to the Judiciary Committee.

Also, substitute for Assembly Bill No. 21—An Act to amend an Act entitled an Act to protect sheep and Cashmere and Angora goats against the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six—and recommend that the same do not pass.

Also, Senate Bill No. 350—An Act to provide for the payment of a certain claim—and recommend that it be referred to the Judiciary Committee.

BANVARD, Chairman.

Mr. Banvard presented the following minority report from the Committee on Finance:

MR. PRESIDENT: The minority of the Committee on Finance respectfully report that they have had under consideration Assembly Bill No. 25—An Act to pay certain outstanding indebtedness of the County of Mono, incurred prior to the segregation of said county by virtue of the Act, approved April twenty-seventh, eighteen hundred and sixty-three, to provide for surveying and establishing the eastern boundary of this State—and recommend the passage of the same.

BANVARD,  
MINIS.

Mr. Hager, from the Judiciary Committee, made the following report:

MR. PRESIDENT: The Committee on Judiciary, having had under consideration the following bills, report back Senate Bill No. 59—An Act to provide for the appointment of a Reporter of the Supreme Court and Assistant Attorney-General and to define his duties and compensation—with amendments, and recommend the adoption of the amendments and the passage of the bill as amended.

Also, Senate Bill No. 200—An Act supplementary to an Act entitled an Act prescribing certain conditions for the transaction of insurance business in the State of California, approved March twenty-sixth, eighteen hundred and sixty-eight—with a substitute therefor, and recommend the adoption of the substitute and the passage of the same.

Also, Senate Bill No. 18—An Act concerning evidence—and recommend its indefinite postponement.

HAGER, Chairman.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Saunders—An Act granting certain lands in the City and County of San Francisco to the Protrero and Bay View Railroad Company.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Banvard—An Act to provide for the collection of revenue in the County of Placer.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Gwin—An Act to amend an Act entitled an Act to establish a quarantine for the bay and harbor of San Francisco and sanitary regulations for the City and County of San Francisco, approved April second, eighteen hundred and sixty-six.

Read first and second times and referred to the San Francisco delegation.

By Mr. Perkins—An Act concerning roads and highways in the County of Butte.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Turner—An Act to amend an Act entitled an Act for the protection of game, passed May fifteenth, eighteen hundred and fifty-four.

Read first and second times and, with accompanying documents, referred to the Committee on Agriculture.

By Mr. Lewis—An Act to prevent litigation between counties.

Read first and second times and referred to the Judiciary Committee.

By Mr. Maclay—An Act to provide five competitive scholarships for the benefit of meritorious young men desirous of entering the State University.

Read first and second times and referred to the Committee on Education.

By Mr. Comte—An Act to pay the claim of D. O. Mills & Co.

Read first and second times and referred to the Committee on Claims.

#### MOTIONS AND RESOLUTIONS.

On motion of Mr. Mandeville, the resolution introduced by Mr. Gwin, relative to the Fifteenth Amendment, was taken from the table and ordered on file.

On motion of Mr. Minis, substitute for Senate Bill No. 185 was ordered at the top of file for to-morrow.

On motion of Mr. Gwin, Senate Bill No. 209 was ordered printed.

#### GENERAL FILE.

Senate Bill No. 22—An Act for the protection of white laborers.

Upon ordering the bill engrossed, the ayes and noes were demanded by Messrs. Green, Larkin and O'Connor, and the Senate refused, by the following vote :

**AYES**—Messrs. Banvard, Betge, Comte, Farley, Fowler, Hunter, Hutchings, Irwin, Larkin, Lawrence, Lewis, McDougall, O'Connor and Wand—14.

**NOES**—Messrs. Beach, Burnett, Chappell, Conly, Curtis, Green, Gwin, Hager, Kincaid, Maclay, Mandeville, Morrill, Murch, Orr, Perkins, Tompkins, Turner, Wilson and Wing—19.

Mr. Pendegast was granted leave of absence for one day.

Senate Bill No. 269—An Act to prevent the kidnapping and importation of Chinese and Japanese females for criminal purposes.

Ordered at top of file for Thursday, February twenty-fourth.

[President pro tem. in the chair]

Senate Bill No. 270—An Act to prevent the importation of Chinese criminals, and to prevent the establishment of coolie slavery.

Ordered to be placed second on file for Thursday, February twenty-fourth.

Senate Bill No. 141—An Act supplemental to an Act entitled an Act to create a Board of Supervisors in the counties of this State and defining their duties

Passed on file.

Substitute for Senate Bill No. 10—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read a third time and passed.

Senate Bill No. 93—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Passed on file.

Substitute for Senate Bill No. 204—An Act to protect the rights of married women in certain cases.

Passed on file.

Senate Bill No. 299—An Act to provide for the appointment of phonographic reporters.

Read a third time and passed.

Senate Bill No. 144—An Act to authorize William Vanderhurst et al. to construct a railroad from the City of Monterey to the Town of Salinas.

Read a third time and passed.

Senate Bill No. 146—An Act to divide the City of Oakland into wards, and to provide for the holding of elections therein.

Taken from the file and referred to the Committee on Corporations.

Senate Bill No. 314—An Act authorizing the Trustees of the San Francisco Lying-in Hospital and Foundling Asylum to take charge of, bind out and give away, children under their care.

Ordered engrossed.

Senate Bill No. 331—An Act supplementary to an Act entitled an Act to authorize the Board of Managers of the San Francisco Orphan Asylum, or any other orphan asylum in this State, to bind out, as apprentices, clerks, servants, etc.

Ordered engrossed.

Senate concurrent resolution, relative to a mail route from San Francisco to Saucelito.

Adopted.

Mr. Minis had leave to introduce the following bill—An Act to establish a steam ferry in the County of Solano.

Read first and second times and referred to the Committee on Commerce and Navigation.

Mr. Maclay presented a memorial relative to the "history of the silken flag"

On motion, the reading of the memorial was dispensed with, and the usual number of copies of the same ordered printed.

## SPECIAL ORDER.

At twelve o'clock and forty-five minutes P. M., the Senate, by unanimous consent, took up consideration of special order, as follows:

Senate Bill No. 195—An Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia.

Senate Bill No. 114—An Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia.

Senate Bill No. 115—An Act supplementary to and amendatory of an Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia, approved April fourteenth, eighteen hundred and sixty-four.

Senate Bill No. 194—An Act to amend an Act entitled an Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia, approved April fourth, eighteen hundred and sixty-four.

On motion of Mr. Wand, the several bills were made the special order for Thursday, February twenty-fourth, at one o'clock P. M.

Consideration of Governor's message vetoing Senate Bill No. 83—An Act for the relief of L. P. Hall and S. J. Garrison.

Upon the question. "Shall the bill become a law, notwithstanding the objections of the Governor?" the roll was called, with the following result:

**AYES**—Messrs. Banvard, Betge, Curtis, Farley, Fowler, Gwin, Hunter, Hutchings, Irwin, Larkin, Lawrence, Lewis, McDougall and Minis—14.

**NOES**—Messrs. Beach, Burnett, Chappell, Comte, Conly, Green, Hager, MacLay, Mandeville, Morrill, Murch, O'Connor, Orr, Perkins, Roberts, Saunders, Tompkins, Turner, Wand, Wilson and Wing—21.

Mr. Curtis had leave to introduce the following resolution:

**WHEREAS**, We have learned with feelings of unfeigned regret of the decease of Major E. M. Howison, Deputy Controller of State; and whereas, his funeral will take place this day, at two o'clock P. M.; therefore, be it

*Resolved*, That out of respect to the memory of the deceased, the Senate do now adjourn, that the members thereof may attend the funeral.

Adopted.

Accordingly, at one o'clock and fifty minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER.

Friday, February 18th, 1870. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called.

Quorum present

Prayer by the Rev. O. P. Fitzgerald.

[Mr. Farley in the chair.]

Journal of yesterday read and approved.

## PETITIONS.

By Mr. O'Connor—Remonstrance from citizens of Grass Valley, against the passage of a bill known as the Hutchings' bill.

Read and referred to the delegations from Nevada, Yuba and Colusa.

[President pro tem in the chair.]

By Mr. Orr—Petition from citizens of Stockton, relative to the location of State Normal School.

Read and referred to the Committee on Location of State Normal School.

Also, from citizens of San Joaquin County, for the passage of a pound law.

Read and referred to the Committee on Agriculture.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 153—An Act to equalize taxation among the counties of this State.

Also, Senate Bill No. 314—An Act authorizing the Trustees of the San Francisco Lying-in Hospital and Foundling Asylum to take the charge of, bind out and give away children coming under their care.

Also, Senate Bill No. 311—An Act supplementary to an Act entitled an Act to authorize the Board of Managers of the San Francisco Orphan Asylum Society, or any other orphan asylum society in this State, to bind as apprentices, clerks, servants, etc.

Also, Senate Concurrent Resolution No. 31.

O'CONNOR, Chairman.

Mr. Wand, for the San Francisco delegation, made the following report:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 152, have had the same under consideration and herewith report it back, a majority being in favor of its passage.

WAND,  
BETGE,  
KINCAID.

Mr. Conn, for the San Diego delegation, made the following report :

MR. PRESIDENT : The delegation from San Diego, to whom was referred Assembly Bill No. 267—An Act to authorize W. W. Fowler, George F. Hooper, and their associates and assigns, to lay down gas pipes in the City of San Diego—have duly considered the bill, made amendments thereto, and report the bill back as amended and recommend its passage.

CONN, for Delegation.

Mr. Green made the following report :

MR. PRESIDENT : Your special committee, to whom was referred Senate Bill No. 143—An Act to provide for the restoration of fish in the waters of this State; also, Senate Bill No. 107—An Act to provide for the culture of fish within the waters of this State—have had the same under consideration and report a substitute for the above named bills, and recommend the passage of the substitute.

GREEN, Chairman.

Mr. Irwin, from the Committee on State Library, made the following report :

MR. PRESIDENT : Your Committee on State Library, to whom was referred Senate Bill No. 327—An Act to authorize the State Librarian to appoint an additional deputy, and to fix the compensation therefor—have had the same under consideration and respectfully report therefor a substitute, and recommend the adoption and passage of the substitute.

IRWIN, for Committee.

Mr. Fowler, from the Committee on Agriculture, made the following report :

MR. PRESIDENT : The Committee on Agriculture, to whom was referred Senate Bill No. 125—An Act for the encouragement of agriculture, and the invention and construction of a locomotive steam plough—respectfully report the same back, with the following amendment to the last line of section three of said bill: Substitute for "four consecutive weeks" the words "six months."

FOWLER, Chairman.

Mr. Conn, for the San Diego delegation, made the following report :

MR. PRESIDENT : The San Diego delegation, to whom was referred Assembly Bill No. 126—An Act to authorize the Waucoma Water Company to construct aqueducts over certain lands therein named, and to lay down water pipes in the public streets of the City of San Diego and the Town of South San Diego—having duly considered the bill and made several amendments thereto, report the same back as amended, and recommend its passage as amended.

CONN, for Delegation.

Mr. Curtis, from the Committee on Claims, made the following report :

MR. PRESIDENT : The Committee on Claims have had under consideration Senate Bill No. 100—An Act for the relief of John H. Smith—and report it back and recommend its passage.

We have also examined Senate Bill No. 20—An Act to provide for the payment of the State's portion of the salary of the County Auditor of Fresno County—and report the same back with amendments, and recommend its passage as amended

CURTIS, Chairman.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
February 17th, 1870. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed substitute for Senate Bill No. 134—An Act to repeal an Act for the encouragement of agriculture, etc.

Also, passed Senate Bill No. 236—An Act to provide funds for the School Department of the City and County of San Francisco.

FERRAL,  
Clerk.

ASSEMBLY CHAMBER,  
February 17th, 1870. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Senate Bill No. 50—An Act to provide for the appointment of a Commissioner to visit the Eastern insane asylums.

Also, passed, under suspension of rules, Senate Concurrent Resolution No. 27—Relative to a mail route in Santa Clara County.

And, on this day, concurred in Senate amendment to Assembly Bill No. 166.

Also, passed Assembly Concurrent Resolution No. 35—Relative to printing speeches on Fifteenth Amendment.

FERRAL,  
Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution No. 35, above reported, adopted.

Mr. Roberts raised the point of order that the resolution was improperly before the Senate, for the reason that there is no indorsement on the resolution.

The Chair decided the point of order to be not well taken, as the Assembly message accompanying resolution contained the history of said resolution.

From which decision, Mr. Roberts appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded by Messrs. Roberts, Maclay and Chappell, and the Senate refused, by the following vote :

AYES—Messrs. Betge, Burnett, Farley, Fowler, Gwin, Hunter, Hutchings, Larkin, Lawrence, Maclay, Mandeville, McDougall, Minis, Pendergast, Saunders and Wand—16.



**NOES**—Messrs. Banvard, Beach, Chappell, Conly, Conn, Curtis, Green, Hager, Irwin, Morrill, Murch, O'Connor, Orr, Pacheco, Perkins, Roberts, Tompkins, Turner, Tweed, Wilson and Wing—21.

On motion of Mr. Roberts, the resolution was ordered to be returned to the Assembly for the proper indorsements to be placed thereon by the proper officer.

Mr. Saunders verbally reported Senate Bill No. 210, with the recommendation that the same do pass.

#### REPORTS.

Mr. Saunders made the following reports :

**MR. PRESIDENT :** The San Francisco delegation, to whom was referred Assembly Bill No. 71—An Act amendatory of and supplementary to an Act entitled an Act to establish a paid Fire Department for the City and County of San Francisco, approved March second, eighteen hundred and sixty-six—having had the same under consideration, respectfully report the same back, with the following amendments, to wit : 1st. Strike out, in section one, second page, commencing with the word "John," in line number ten, down to and including the word "year," in line twelve, and insert in lieu thereof the following : "And two others, to be appointed by the Governor, within ten days after the passage of this Act, by and with the advice and consent of the Senate first had and obtained, one to hold for the term of two years from and after the first Monday of December, A. D. eighteen hundred and sixty-nine, and one for the term of one year from and after said day and year. The offices of Commissioners elected or appointed heretofore by the Board of Underwriters are hereby declared vacant." 2d. After the word "follows," of section three, on line three of said section, strike out lines four, five, six, seven, eight and nine of said section and insert the following : "Section 5. The Chief Engineer and the Assistant Engineers shall be appointed by said Board of Fire Commissioners each for the term of two years from and after this appointment, to be removable at the pleasure of said Board, and all subordinate officers and extra men shall be appointed by said Board and shall be removable at its pleasure."

SAUNDERS, for Delegation.

**MR. PRESIDENT :** We, the undersigned, a majority of the Committee on Corporations, to whom was referred Senate Bill No. 243—An Act to empower the Counties of Stanislaus, Merced, Fresno, Tulare and Kern to aid in the construction of a railroad in said counties—have had the same under consideration and recommend its passage, with the following amendments : In fourth line of section two, strike out the word "ten" and insert the word "twenty." In sixth line of section one, strike out the word "May" and insert the word "June."

JOHN H. SAUNDERS,  
H. KINCAID,  
J. N. CHAPPELL,  
JAS. H. LAWRENCE.

**MR. PRESIDENT :** We, the undersigned, a majority of the Committee on Corporations, to whom was referred Senate Bill No. 244—An Act to

empower the City and County of San Francisco and the Counties of Monterey and San Luis Obispo to aid in the construction of the Southern Pacific Railroad—have had the same under consideration and report for the original bill the accompanying substitute, and recommend its passage.

JOHN H. SAUNDERS,  
H. KINCAID,  
J. N. CHAPPELL,  
JAS. H. LAWRENCE.

Mr. Larkin, from the Committee on Corporations, made the following minority report :

MR. PRESIDENT: A minority of your Committee on Corporations, to whom was referred Senate Bills Nos. 243 and 244, have had the same under consideration and would recommend that they do not pass.

LARKIN.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Green—An Act to fix the salaries of certain officers in the County of Contra Costa, and to define their duties.

Read first and second times and referred to the Judiciary Committee.

By Mr. Perkins—An Act creating the office of District Collectors and Assessors in the County of Butte.

Read first and second times and referred to Committee on State and County Revenue.

By Mr. Hager—An Act to create a Board of Public Works in the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation, and four hundred and eighty copies ordered printed.

By Mr. Maclay—An Act to authorize the construction of a railroad in the Town of Santa Clara and confirming an order of the Board of Trustees of said town in relation thereto.

Read first and second times and placed on file.

By Mr. Curtis—An Act for the relief of the Sacramento Protestant Orphan Association.

Read first and second times and referred to the Finance Committee.

By Mr. Betge—An Act to provide for the improvement of a certain part of the City and County of San Francisco.

Read first and second times and referred to the Judiciary Committee, and ordered printed.

By Mr. Wand—An Act to ratify and confirm ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco and proceedings had thereunder.

Read first and second times and referred to the San Francisco delegation.

By Mr. Conly—An Act to regulate the practice of medicine in the State of California.

Read first and second times and referred to the Committee on Hospitals.

#### RESOLUTION.

By Mr. Lawrence—Concurrent resolution relative to construction of a ship canal across the Isthmus of Darien, or Panama.

The resolution was read, ordered printed and placed on file.  
[For resolution, see Appendix.]

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SPECIAL ORDER.

Assembly Bill No. 95—An Act concerning the Insane Asylum.

Senate Bill No. 149—An Act concerning the Insane Asylum.

Mr. Mandeville moved to take up and consider Senate Bill No. 149—  
An Act concerning the Insane Asylum.

Adopted.

The bill was considered in Committee of the Whole and amended.

The hour of one o'clock having arrived, the hour for the special order of contested election case of P. W. Murphy against R. Pacheco, by unanimous consent the consideration of the same was temporarily suspended.

IN SENATE.

Amendments made to Senate Bill No. 149, in Committee of the Whole, adopted, and bill ordered engrossed.

Assembly Bill No. 95—An Act concerning the Insane Asylum.

Laid on the table.

Contested election case of P. W. Murphy against R. Pacheco.

P. W. Murphy, contestant in the above case, appeared on the floor of the Senate with his counsel, J. H. Hardy.

R. Pacheco, respondent in the case, also appeared on the floor of the Senate with his counsel, C. A. Tuttle.

On motion of Mr. Hager, the respective counsel were allowed one hour and a half each, in which to present their argument.

The case was opened by J. H. Hardy on the part of contestant, followed by C. A. Tuttle, on the part of respondent.

On motion of Mr. Larkin, the motion limiting counsel to one hour and a half in their argument, was rescinded.

On motion of Mr. Pendegast, at four o'clock and fifteen minutes P. M., the Senate took a recess until seven and a half o'clock this evening.

REASSEMBLED.

Senate reassembled at seven and a half o'clock P. M.

President pro tem. in the chair.

Roll called and quorum present.

REPORTS.

Mr. Morrill, from the Committee on Enrolment, made the following reports:

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 168—An Act directing the Controller of State to draw a certain duplicate warrant.

Also, Senate Bill No. 231—An Act to amend an Act entitled an Act to create the Seventeenth Judicial District, approved March nineteenth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 91—An Act ratifying and confirming action of Common Council of the City of Oakland for relief of John Scott.

Also, Senate Bill No. 135—An Act to authorize Morris Wolff, Lewis Jacobs and John Ruffin, and their assigns, owners of an artesian well in the Town of San Bernardino to lay down water pipes in the public streets of said town.

Also, Senate Bill No. 137—An Act to provide for levying a special tax to construct and furnish a public school house in Merced Falls School District, in Merced County.

Also, Senate Concurrent Resolution No. 27—Relative to mail route from San José to Saratoga, in Santa Clara County.

Also, Senate Bill No. 50—An Act to provide for the appointment of a Commissioner to visit the Eastern insane asylums, and define his powers and duties.

Also, Senate Bill No. 236—An Act to provide funds for the School Department of the City and County of San Francisco.

Also, substitute for Senate Bill No. 134—An Act to repeal an Act entitled an Act for the encouragement of agriculture and manufactures in California, approved April twenty-fifth, eighteen hundred and sixty-two, and to repeal an Act for the encouragement of silk culture in this State, approved March thirtieth, eighteen hundred and sixty-eight.

And this day, at twelve o'clock and fifty minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

MR. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 295—An Act to aid the Mercantile Library Association of the City and County of San Francisco in paying its indebtedness.

Also, Senate Bill No. 250—An Act to authorize Eliza Madison Hartley, administratrix of the estate of Henry H. Hartley, deceased, to sell real property belonging to said estate.

And this day, at four o'clock and twenty minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

#### IN THE MATTER OF THE CONTESTED ELECTION CASE OF MURPHY VS. PACHECO.

The argument of counsel on the part of respondent was resumed, and concluded, and closed by J. H. Hardy, counsel for contestant.

Mr. Curtis moved to postpone the further consideration of special order until Monday next, at one o'clock P. M.

Lost.

Mr. Larkin moved that the resolution be made the special order for to-morrow, at half past eleven o'clock A. M.

Lost.

Mr. Lewis moved that the resolution be made the special order for to-morrow, at quarter past eleven o'clock A. M.

Adopted.

On motion of Mr. Fowler, at ten o'clock and thirty-five minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, February 19th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Rev. Dr. Phelps.

Journal of yesterday read and approved.

## SPECIAL ORDER.

Contested election case of P. W. Murphy vs. R. Pacheco.

Upon the adoption of the resolution reported by the majority of the Committee on Elections, the ayes and noes were demanded by Messrs. Lewis, Green and Mandeville, and the Senate refused, by the following vote :

**AYES**—Messrs. Burnett, Comte, Farley, Fowler, Gwin, Hunter, Hutchings, Larkin, Lawrence, Maclay, Mandeville, McDougall, Minis, O'Connor, Pendegast and Wand—16

**NOES**—Messrs. Banvard, Beach, Chappell, Conly, Curtis, Green, Hager, Irwin, Kincaid, Lewis, Murch, Orr, Perkins, Roberts, Saunders, Tompkins, Turner, Tweed, Wilson and Wing—20.

Mr. Lewis gave notice that he would, on Monday next, move a reconsideration of the vote just taken, whereby said resolution was rejected by the Senate.

Leave of absence was granted to Messrs. Morrill and Tompkins for two days, and to Messrs. Conn and Betge for one day.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment made the following report :

**MR. PRESIDENT:** The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 149—An Act concerning the Insane Asylum of the State of California.

O'CONNOR, Chairman.

Mr. Roberts presented a report from the Committee on Mines and Mining Interests.

Read and ordered printed.

[For report, see Appendix.]

Mr. Larkin, from the Committee on State and County Revenue, made the following report :

**MR. PRESIDENT:** Your Committee on State and County Revenue, to whom was referred Senate Bill No. 420, have had the same under consideration and would report the same back and recommend its passage.

LARKIN, Chairman.

The rules were suspended and the bill above reported was taken up.

The rules were further suspended, bill considered engrossed, read a third time and passed, and transmitted to the Assembly.

Mr. Larkin, from the Committee on State and County Revenue, verbally reported Senate Bill No. 435, with the recommendation that the same be referred to the Judiciary Committee.

The bill was so referred.

Mr. Tompkins, from the Committee on Counties and County Boundaries, made the following report:

**MR. PRESIDENT:** The Committee on Counties and County Boundaries, to whom was referred the bill to better define the boundary line between Fresno and Mariposa Counties, have had the same under consideration, and now report the same back and recommend its passage

TOMPKINS, Chairman.

Mr. Green verbally reported Assembly Bill No. 397, and recommended the passage of the same.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 18th, 1870.

*To the Senate of the State of California:*

I herewith transmit to your honorable body a statement of the amounts expended out of the several appropriations for Special Contingent Fund of the Governor's office:

|   |            |
|---|------------|
| Appropriation for nineteenth fiscal year.....   | \$5,000 00 |
| Amount expended by me.....                      | 400 00     |
| Appropriation for twentieth fiscal year.....    | 2,500 00   |
| Amount expended by me.....                      | 2,500 00   |
| Appropriation for twenty-first fiscal year..... | 2,500 00   |
| Amount expended by me.....                      | 2,005 50   |

Of the above expenditures, there were three thousand seven hundred dollars disbursed in the contribution toward a fund for purchasing California silk and manufacturing the same into two flags, the one for the State, and the other for the National Capitol. Of this sum, nineteen hundred dollars were expended out of the appropriation for the twentieth fiscal year, and eighteen hundred dollars out of the appropriation for the twenty-first fiscal year.

A detailed statement of the whole amount expended is in my office, and can be inspected by the Legislature if so desired.

H. H. HAIGHT,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, February 19th, 1870.

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate Bill No. 236—An Act to provide funds for the School Department of the City and County of San Francisco.

Also, Senate Bill No. 50—An Act to provide for the appointment of a Commissioner to visit the Eastern insane asylums, and to define his powers and duties.

Also, Senate Bill No. 91—An Act ratifying and confirming action of Common Council of the City of Oakland for the relief of John Scott.

Also, Senate Bill No. 168—An Act to authorize the Controller of State to issue duplicate warrant to E. Blum.

Also, substitute for Senate Bill No. 134—An Act to repeal an Act entitled an Act for the encouragement of agriculture and manufactures in California, approved April twenty-fifth, eighteen hundred and sixty-two; and to repeal an Act entitled an Act for the encouragement of silk culture in this State, approved March thirtieth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 231—An Act to amend an Act entitled an Act to create the Seventeenth Judicial District, approved March nineteenth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 137—An Act to provide for levying a special tax to construct and furnish a public school house in Merced Falls School District, in the County of Merced.

H. H. RAIGHT,  
 Governor.

Also, message disapproving of Senate Bill No. 7.

[For message, see Appendix.]

The message was made the special order for Friday next, at two o'clock P. M.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
 February 18th, 1870. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly substitute for Senate Bill No. 51—An Act to establish and define the powers and duties of the Board of Education of the City of Petaluma.

And, on the tenth instant, passed Assembly Bill No. 313—An Act to authorize the Odd Fellows' Cemetery Association to borrow money for certain purposes, and to secure the same by mortgage upon real estate.

And, on the eleventh instant, passed Assembly Bill No. 322—An Act to repeal an Act entitled an Act authorizing the Board of Supervisors of Plumas County to take and subscribe to the capital stock of Oroville and Virginia City Railroad Company, and to provide for the payment thereof.

Also, substitute for Assembly Bill No. 91—An Act to incorporate the Town of San Juan.

And, on the fourteenth instant, passed Assembly Bill No. 217—An Act

to provide for the improvement of the navigation of the Russian River and to declare said stream navigable.

Also, Assembly Bill No. 291—An Act amendatory of and supplementary to an Act to incorporate the City of Nevada, approved April nineteenth, eighteen hundred and fifty-six.

Also, Assembly Bill No. 320—An Act to provide for the building a bridge across Putah Creek, in Napa County, and to authorize the Supervisors of Napa County to levy a special tax for that purpose.

Also, Assembly Bill No. 273—An Act authorizing the construction of a turnpike road from the Town of Truckee, in Nevada County, to the Hot Springs and State line, at the northeasterly end of Lake Bigler, in the County of Placer.

Also, Assembly Bill No. 342—An Act authorizing the Board of Supervisors of Amador County to audit and allow the claim of James Carroll.

Also, Assembly Bill No. 257—An Act to amend an Act entitled an Act concerning crimes and punishments.

Also, Assembly Bill No. 335—An Act for the appointment of two additional Notaries Public in the County of Solano.

Also, substitute for Assembly Bill No. 303—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the Acts amendatory thereof.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
February 18th, 1870. }

Mr. PRESIDENT: I am directed to return to your honorable body Assembly Concurrent Resolution No. 35—Relative to printing speeches on the Fifteenth Amendment—indorsed as requested.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
February 18th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the the Assembly, on this day, passed Senate Bill No. 250—An Act to authorize Eliza M. Hartley, administratrix of the estate of Henry Hare Hartley, deceased, to sell real property belonging to said estate.

And, under suspension of the rules, passed Assembly Bill No. 391—An Act to provide a Contingent Fund for the use of the Legislature.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
February 18th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 295—An Act to aid the Mercantile Library Association of the City and County of San Francisco in paying its indebtedness.

CRAWFORD,  
Assistant Clerk.



## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 303, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 257, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 335, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 342, above reported, read first and second times and referred to the Amador delegation.

Assembly Bill No. 273, above reported, read first and second times and referred to the Committee on Roads and Highways.

Assembly Bill No. 320, above reported, read first and second times and referred to the Napa delegation.

Assembly Bill No. 291, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 217, above reported, read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 313, above reported, read first and second times and referred to the San Francisco delegation.

Substitute for Assembly Bill No. 91, above reported, read first and second times and referred to the Los Angeles delegation.

Assembly Bill No. 391, above reported, read first and second times and referred to the Finance Committee.

Substitute for Senate Bill No. 51, above reported, adopted.

Assembly Bill No. 322, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Concurrent Resolution No. 35, above reported.

Mr. Larkin moved to lay the resolution on the table.

Upon which, the ayes and noes were demanded by Messrs. Larkin, Lewis and Chappell, and the Senate refused, by the following vote :

**AYES**—Messrs. Beach, Fowler, Green, Hunter, Hutchings, Larkin, O'Connor, Orr, Perkins, Roberts, Turner, Tweed, Wilson and Wing—14.

**NOES**—Messrs. Banvard, Burnett, Chappell, Comte, Hager, Irwin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Murch, Pendegast and Wand—15.

The resolution was then referred to the Committee on Contingent Expenses.

Mr. Pendegast had leave to introduce the following resolution :

*Resolved*, That when the Senate adjourn this day, it adjourn to meet on Monday next, at half-past two o'clock.

Mr. Green moved to lay the resolution on the table.

Lost.

Mr. Fowler moved to amend, by striking out "Monday" and inserting in lieu thereof "Wednesday."

Lost.

Pending the discussion of the resolution, at one o'clock and twenty-five minutes P. M., on motion of Mr. Minis, the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest : JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Monday, February 21st, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

Leave of absence was granted to Mr. Larkin for one day, and indefinite leave to Messrs. Macloy and Conn, and indefinite leave to Willie Ormsby, Page of the Senate, and to Messrs. Gwin, Kincaid and Hager for one day, and to Mr. Betge for two days.

## PETITIONS.

By Mr. Murch—From citizens of the County of Humboldt, for the passage of a bill for the payment of the indebtedness of said county. Also, remonstrance from the same, against the passage of said bill.

Rules suspended and referred to Judiciary Committee.

By Mr. Fowler—From citizens of Visalia, protesting against the passage of an Act to re-incorporate the Town of Visalia.

Read and referred to the Committee on Corporations.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Assembly substitute for Senate Bill No. 51.

O'CONNOR, Chairman.

Mr. Saunders, from the Committee on Corporations, made the following report :

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 6, having duly considered the same, report the same back to the Senate, with the following amendments: 1st. In line twelve, page one, fill blank with figures "120," and after the word "Act," in line thirteen, page one, insert the words "as to corporations heretofore created, and as to other corporations as aforesaid, within — days after creation thereof." 2d. In lines fourteen, fifteen and sixteen, in page one, strike out the words "in each county where such corporations transact business," and insert in place thereof the words "in the county in which the principal place of business of said corporations in this State is." 3d. In lines eight and nine, page two, strike out the words "on any resident of this State," and insert in place thereof the words "on foreign corporations." 4th. In lines fourteen, fifteen, sixteen and seventeen, page two, strike out the words "and such foreign corporations cannot be served with such process according to the present provisions of law." 5th. Strike out section six. And, as amended, recommend its passage.

SAUNDERS, Chairman.

Mr. Wand, from the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT: Your Committee on Contingent Expenses, to whom was referred Concurrent Resolution No. 35, have had the same under consideration, and herewith report it back without recommendation.

WAND, for Committee.

[Mr. Mandeville in the chair.]

Mr. Hutchings presented the following report :

MR. PRESIDENT: The select committee, consisting of the Senators from Colusa, Sutter, Yuba and Nevada Counties, to whom was referred Senate Bill No. 345—An Act to empower the City of Marysville and the Counties of Colusa, Sutter, Yuba and Nevada to aid in the construction of the Colusa, Marysville and Nevada Railroad—would report the same back with amendments, and recommend its passage as amended.

HUTCHINGS, for Select Committee.

Mr. Hutchings, from the Committee on Roads and Highways, made the following report :

MR. PRESIDENT: Your committee, to whom was referred Assembly Bill No. 252—An Act concerning roads and highways in San Bernardino County; also, Senate Bill No. 422—An Act concerning roads and highways in the County of Butte—report favorably and recommend their passage.

HUTCHINGS, Chairman.

Senate Bill No. 422, above reported, referred to the Committee on Corporations.

Mr. Curtis, from the Sacramento delegation, made the following report :

MR. PRESIDENT: The Sacramento delegation, to whom was referred Assembly Bill No. 204—An Act to amend an Act, approved March twelfth, eighteen hundred and sixty-eight, entitled an Act to provide for the drainage of the City of Sacramento, and of the lands of Swamp Land District Number Two—have had the same under consideration, and report back and recommend its passage.

CURTIS,  
COMTE.

Mr. Saunders, from the San Francisco delegation, made the following report :

MR. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 109—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco; and also, substitute for Assembly Bill No. 81—An Act to confirm a certain order passed by the Board of Supervisors of the City and County of San Francisco, and to authorize said Board to appropriate money for certain purposes—have had same under consideration, and herewith report them back with the recommendation that they pass.

SAUNDERS, for Delegation.

Mr. Wilson verbally reported substitute for Assembly Bill No. 91 without recommendation, and the bill was referred to the Monterey and Santa Cruz delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February —, 1870.

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 295—An Act to aid the Mercantile Library Association of the City and County of San Francisco in paying its indebtedness.

H. H. HAIGHT,  
Governor.

INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Roberts—An Act to provide for the formation of corporations for the accumulation of funds and savings, and the direct promotion of manufacturing and mechanic arts, agriculture and mining.

Read first and second times and referred to the Committee on Corporations.

By Mr. Irwin—An Act to authorize the County of Santa Clara to subscribe to the capital stock of the Santa Cruz and San Francisco Railroad Company and to provide for the payment of the same, and other matters relating thereto.

Read first and second times and referred to the Committee on Corporations.

By Mr. Perkins—An Act to authorize the County of Plumas to issue bonds for railroad purposes.

Read first and second times and referred to the Committee on Corporations.

By Mr. Roberts—An Act to create the County of Donner, to define its boundaries and to provide for its organization and maintenance.

Read first and second times and referred to the delegations interested in the bill.

By Mr. Hunter—An Act amendatory of an Act in relation to elections.

Read first and second times and referred to the Committee on Elections.

By Mr. Murch—An Act to provide for the submission of the proposed amendment to the Constitution of the State, as proposed by the Legislature at its sixteenth session and adopted by the Legislature at its seventeenth session, to the qualified electors of this State.

Read first and second times and referred to the Judiciary Committee.

By Mr. Curtis—An Act to amend an Act entitled an Act concerning attorneys and counsellors at law, passed February nineteenth, eighteen hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

By Mr. Roberts—An Act to authorize the incorporation of canal companies, and to provide for the construction of canals and ditches.

ad first and second times and referred to the Committee on Mines and Mining Interests.

By Mr. Saunders—An Act to authorize the State Librarian to purchase of Sumner Whitney certain volumes of the California Reports.

ad first and second times and referred to the Committee on State Affairs.

so, an Act to increase the police force of the City and County of San Francisco.

ad first and second times and referred to the San Francisco delegation.

By Mr. Wand—An Act to reorganize the Board of Supervisors for the City and County of San Francisco.

ad first and second times and referred to the San Francisco delegation.

#### MOTIONS, RESOLUTIONS AND NOTICES.

By Mr. Tweed:

*Resolved*, That the Committee on Corporations be requested to report this body, without unnecessary delay, Senate Bill No. 62—An Act to amend an Act entitled an Act for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-two—with their action thereon.

Adopted.

By Mr. Conly:

*Resolved*, That when the Senate adjourns, it adjourn to meet on Thursday the twenty-fourth instant, at two o'clock and a half o'clock P. M.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs Green, Fowler and Wilson. the ayes and noes were demanded by the following vote:

Ayes—Messrs. Banister, Burnett, Conly, Fowler, Hunter, Hutchings, McDeville, McDonough, Gall, Murch, Pacheco, Perkins, Roberts, Saunders, Wilson—15.  
Noes—Messrs. Chappell, Comte, Curtis, Farley, Green, Irwin, Minis, Warner, Wand and Wilson—11.

By Mr. Murch:

*Resolved*, That the Secretary of the Senate is hereby directed and requested to prepare, under the direction of the Committee on Rules, a copy of the standing rules of the Senate and the joint rules of the Senate and Assembly, as amended, and the usual number of the Senate and Assembly, together with the names of the officers and the standing committees of the Senate and Assembly, shall be printed for the use of the Senate.

Adopted.

[President in the chair.]  
Farley moved to reconsider the vote by which Senate refused to pass the resolution allowing P. W. Murphy his seat as Senator from the third Senatorial District.

Mr. Wilson verbally reported substitute for Assembly Bill No. 91 without recommendation, and the bill was referred to the Monterey and Santa Cruz delegation.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February —, 1870. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 295—An Act to aid the Mercantile Library Association of the City and County of San Francisco in paying its indebtedness.

H. H. HAIGHT,  
Governor.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Roberts—An Act to provide for the formation of corporations for the accumulation of funds and savings, and the direct promotion of manufacturing and mechanic arts, agriculture and mining.

Read first and second times and referred to the Committee on Corporations.

By Mr. Irwin—An Act to authorize the County of Santa Clara to subscribe to the capital stock of the Santa Cruz and San Francisco Railroad Company and to provide for the payment of the same, and other matters relating thereto.

Read first and second times and referred to the Committee on Corporations.

By Mr. Perkins—An Act to authorize the County of Plumas to issue bonds for railroad purposes.

Read first and second times and referred to the Committee on Corporations.

By Mr. Roberts—An Act to create the County of Donner, to define its boundaries and to provide for its organization and maintenance.

Read first and second times and referred to the delegations interested in the bill.

By Mr. Hunter—An Act amendatory of an Act in relation to elections.

Read first and second times and referred to the Committee on Elections.

By Mr. Murch—An Act to provide for the submission of the proposed amendment to the Constitution of the State, as proposed by the Legislature at its sixteenth session and adopted by the Legislature at its seventeenth session, to the qualified electors of this State.

Read first and second times and referred to the Judiciary Committee.

By Mr. Curtis—An Act to amend an Act entitled an Act concerning attorneys and counsellors at law, passed February nineteenth, eighteen hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

By Mr. Roberts—An Act to authorize the incorporation of canal companies, and to provide for the construction of canals and ditches.

Read first and second times and referred to the Committee on Mines and Mining Interests.

By Mr. Saunders—An Act to authorize the State Librarian to purchase of Sumner Whitney certain volumes of the California Reports.

Read first and second times and referred to the Committee on State Library.

Also, an Act to increase the police force of the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Wand—An Act to reorganize the Board of Supervisors for the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

#### MOTIONS, RESOLUTIONS AND NOTICES.

By Mr. Tweed:

*Resolved*, That the Committee on Corporations be requested to report to this body, without unnecessary delay, Senate Bill No. 62—An Act to amend an Act entitled an Act for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one—with their action thereon.

Adopted.

By Mr. Conly:

*Resolved*, That when the Senate adjourn, it adjourn to meet on Thursday, the twenty-fourth instant, at two and a half o'clock P. M.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs Green, Fowler and Wilson, and the Senate so ordered, by the following vote:

AYES—Messrs. Banvard, Burnett, Conly, Fowler, Hunter, Hutchings, Mandeville, McDougall, Murch, Pacheco, Perkins, Roberts, Saunders, Tweed and Wing—15.

NOES—Messrs. Chappell, Comte, Curtis, Farley, Green, Irwin, Minis, O'Connor, Turner, Wand and Wilson—11.

By Mr. Murch:

*Resolved*, That the Secretary of the Senate is hereby directed and required to prepare, under the direction of the Committee on Rules, a copy of the standing rules of the Senate and the joint rules of the Senate and Assembly, as amended, and the usual number of the Senate and joint rules, together with the names of the officers and the standing and joint committees of the Senate and Assembly, shall be printed for the use of the Senate.

Adopted.

[President in the chair.]

Mr. Farley moved to reconsider the vote by which Senate refused to adopt the resolution allowing P. W. Murphy his seat as Senator from the Third Senatorial District.

Mr. Roberts raised the point of order that Mr. Farley's notice was out of order, as he had voted in the minority.

The Chair decided the point of order to be well taken.

Mr. Irwin moved to reconsider the vote by which the Senate refused to adopt said resolution.

Mr. Farley moved to make the motion to reconsider the special order for Friday next, at ten o'clock P. M.

Upon which motion, the ayes and noes were demanded by Messrs. Green, Murch and Roberts, and the Senate refused, by the following vote :

**AYES**—Messrs. Burnett, Comte, Farley, Fowler, Hunter, Hutchings, Irwin, Mandeville, McDougall, Minis, O'Connor and Wand—12.

**NOES**—Messrs. Banvard, Beach, Chappell, Conly, Curtis, Green, Murch, Perkins, Roberts, Saunders, Turner, Tweed, Wilson and Wing—14.

Mr. Farley moved to make the motion the special order for Saturday next, at one o'clock P. M.

Upon which the ayes and noes were demanded by Messrs. Farley, Fowler and Mandeville.

The roll was called, with the following result :

**AYES**—Messrs. Burnett, Comte, Farley, Fowler, Hunter, Irwin, Mandeville, McDougall, Minis, O'Connor, Saunders and Wand—12.

**NOES**—Messrs. Banvard, Beach, Chappell, Conly, Curtis, Green, Murch, Perkins, Roberts, Tweed, Wilson and Wing—12.

There being a tie vote, the President, in the exercise of his constitutional privilege, voted aye, and the motion to reconsider was made the special order for Saturday next, at one o'clock P. M.

Mr. Conn had leave to have his name recorded as voting against the resolution reported by the Committee on Elections in the contested election case of P. W. Murphy vs R Pacheco.

Mr. Saunders had leave to introduce the following bill—An Act to make, open and establish a public street in the City and County of San Francisco, to be called Montgomery avenue, and to take private land therefor.

Read first and second times and referred to the San Francisco delegation.

Mr. Mandeville had leave to introduce the following bill—An Act to authorize the Treasurer of Tuolumne County to apportion certain moneys to the Current Expense Fund of said county, and to pay certain warrants.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

At twelve o'clock and thirty-five minutes P. M., on motion of Mr. Conly, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest : JOSEPH ROBERTS, Jr., Secretary of Senate.



## IN SENATE.

SENATE CHAMBER,  
Thursday, February 24th, 1870. }

Senate met pursuant to adjournment.

In the absence of the President and President pro tem., the Senate was called to order by Joseph Roberts, Jr., Secretary of the Senate.

On motion of Mr. Irwin, Mr. Mandeville was chosen as President pro tem., during the absence of the President and President pro tem. of the Senate.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Monday last read and approved.

On motion of Mr. Betge, the special order for this day, at one o'clock P. M., was, by unanimous consent, discharged, and ordered on top of file for Friday next.

Leave of absence was granted to Mr. Roberts for one day, to Mr. Hunter for two days, and to Mr. Farley for one day.

## PETITIONS.

Petitions were presented as follows :

By Mr. O'Connor—From citizens of Nevada County, against the passage of any law which shall require or may permit said county to issue bonds, or guarantee the interest upon bonds, for railroad purposes.

Read and referred to the Committee on Corporations.

By Mr. Kincaid—From citizens of the County of Santa Clara, against the passage of so much of a bill, recently introduced in the Senate for the reincorporation of the Town of Santa Clara, as relates to the extension or change of the limits thereof.

Read and referred to the Committee on Corporations.

## REPORTS.

Mr. Banvard, from the Committee on Finance, made the following report :

Mr. PRESIDENT: Your Committee on Finance have had under consideration Assembly Bill No. 391—An Act to provide a Contingent Fund for the use of the Legislature—and recommend its passage.

Also, Senate Bill No. 400—An Act to amend an Act entitled an Act granting bounties to the volunteers of this State, enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds, approved April fourth, eighteen hundred and sixty-four—and recommend its passage.

Also, Senate Bill No. 399—An Act to amend an Act to provide for paying certain equitable claims against the State of California, and to construct a funded debt for that purpose, approved April twenty-eighth, eighteen hundred and fifty-seven—and recommend its passage.

BANVARD, Chairman.

On motion of Mr. Banvard, the rules were suspended and Senate took up Assembly Bill No. 391, above reported by the Finance Committee.

The bill was read a third time and passed, and transmitted to the Assembly.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 21st, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 133—An Act to authorize Elizabeth W. P. Kenny to sell certain lands.

Also, passed Senate Bill No. 341—An Act supplemental to an Act to regulate the maintenance of the indigent sick in Yuba County, approved April eighteenth, eighteen hundred and sixty.

Also, passed Senate Bill No. 267—An Act to authorize the Board of Supervisors of Yuba County to levy and collect tolls on the Marysville and Brown's Valley Turnpike.

Also, amended and passed Senate Bill No. 333—An Act to authorize the Board of Supervisors of Plumas County to build certain wagon roads in said county.

Also, passed Senate Bill No. 67—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of San Joaquin to issue certain bonds.

And, on the nineteenth instant, passed Senate Concurrent Resolution No. 31—Relative to a mail route.

And, on the eleventh instant, passed substitute for Assembly Bill No. 196—An Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property.

Also, passed Assembly Bill No. 292—An Act to authorize the Trustees of the City of Benicia to refund the debt of said city.

Also, passed Assembly Bill No. 234—An Act to provide for the settlement of statements on appeal and on motion to set aside reports of Commissioners in certain cases

And, on the fourteenth instant, passed Assembly Bill No. 338—An Act to provide for the erection of a jail in the County of Del Norte.

Also, passed Assembly Bill No. 286—An Act to amend an Act entitled an Act concerning attorneys and counsellors at law, approved February nineteenth, eighteen hundred and fifty-one.

Also, passed Assembly Bill No. 311—An Act to amend an Act concerning Courts of justice in this State and judicial officers, approved April twenty-seventh, eighteen hundred and sixty-seven.

And, on the seventeenth instant, passed Assembly Bill No. 330—An Act to amend an Act restricting the herding of sheep in Sonoma and Marin Counties.

Also, passed Assembly Bill No. 177—An Act to establish and define the powers and duties of the Board of Education of the City of Vallejo.

CRAWFORD,  
Assistant Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 177, above reported, read first and second times and referred to the Committee on Education.

Assembly Bill No. 330, above reported, read first and second times and referred to the Committee on Agriculture.

Substitute for Assembly Bill No. 196, above reported, read first and second times and referred to the Committee on Agriculture.

Assembly Bill No. 292, above reported, read first and second times and referred to the Solano delegation.

Assembly Bill No. 234, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 286, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 311, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 338, above reported, read first and second times and placed on file.

Senate Bill No. 333, above reported, amendments of Assembly concurred in by the Senate.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 24th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-first instant, passed substitute for Assembly Bill No. 245—An Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto

And, on the seventeenth instant, passed Assembly Bill No. 169—An Act to create the County of San Benito, to define its boundaries and provide for its organization.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Substitute for Assembly Bill No. 245, above reported, read first and second times and referred to the Select Committee on Fees and Salaries, and ordered printed.

#### REPORT.

Mr. Hunter had leave to make the following report :

Mr. PRESIDENT: Your Committee on State and County Revenue, to whom was referred Senate Bills Nos. 323 and 353, have had the same under consideration, and would report the same back and recommend their passage.

LARKIN, Chairman.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Conn—An Act appropriating money to the Roman Catholic Orphan Asylum and to the Hospital for Indigent Non-resident Sick of Los Angeles.

Read first and second times and referred to the Finance Committee.

By Mr. Banvard—An Act authorizing the Controller of State to employ an additional Clerk.

Read first and second times and referred to the Finance Committee.

By Mr. Curtis—An Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

Read first and second times and referred to the Sacramento delegation.

By Mr. Wilson—An Act authorizing the Board of Supervisors of Los Angeles County to erect a Court-house, or in their discretion to purchase a building suitable therefor, and to construct a fire-proof vault therein, for the safety and preservation of the public records of the county.

Read first and second times and referred to the Committee on Internal Improvements.

Also, an Act to redistrict the County of Los Angeles into supervisor districts, and provide for the election of Supervisors therefor.

Read first and second times and referred to the Committee on Internal Improvements.

By Mr. Kincaid—An Act amendatory of and supplementary to an Act entitled an Act concerning roads and highways in the County of San Mateo.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Orr—An Act to empower the County of San Joaquin to aid in the construction of the Stockton and Visalia Railroad.

Read first and second times and referred to the Committee on Corporations.

By Mr. Kincaid—An Act amendatory of and supplementary to an Act entitled an Act to incorporate the Town of Redwood City, approved March twenty-seventh, eighteen hundred and sixty-eight.

Read first and second times and referred to the Committee on Corporations.

By Mr. Hager—An Act to amend section fifty-eight of an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one.

Read first and second times and referred to the Committee on Corporations.

By Mr. Kincaid—An Act granting certain parties therein named the right to construct a telegraph line from California to Japan.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Murch—An Act relative to the publication of certain reports.

Read first and second times and referred to the Committee on Corporations.

Also, an Act to define the time when certain reports shall be made.

Read first and second times and referred to the Committee on Printing.

By Mr. Pendegast—An Act authorizing the transfer of the Swamp Land Fund of Napa County to the General County Fund of that county.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Hager—An Act to regulate appeals from Justices' Courts to the County Court of the City of San Francisco.

Read first and second times and referred to the Judiciary Committee.

By Mr. Minis—An Act to provide for the care of certain property.

Read first and second times and referred to the Committee on Public Buildings and Grounds.

By Mr. Lawrence—An Act entitled an Act to amend an Act entitled an Act to amend an Act entitled an Act concerning roads and highways in the Counties of Mariposa and Tulare, approved January seventeenth, eighteen hundred and sixty-six, approved March thirteenth, eighteen hundred and sixty-eight.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Kincaid—An Act to establish and maintain public pounds for the better securing estrays and other stock in the several townships of the County of San Mateo.

Read first and second times and referred to the Committee on Agriculture.

On motion of Mr. Pacheco, the rules were suspended and the Senate took up Senate Bill No. 323, reported by the Finance Committee.

The rules were further suspended, bill considered engrossed, read a third time and passed.

#### GENERAL FILE.

Senate Bill No. 185—An Act to provide for the reclamation of swamp, salt and overflowed lands.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 269—An Act to prevent the kidnapping and importation of Mongolian, Chinese and Japanese females for criminal and demoralizing purposes.

Passed on file until Saturday next.

Senate Bill No. 270—An Act to prevent the importation of Chinese criminals, and to prevent the establishment of coolie slavery.

Passed on file until Saturday next.

Senate Bill No. 101—An Act to establish a State Board of Health.

Read a third time and passed.

Senate Bill No. 393—An Act to provide for the construction and maintenance of a wagon road in Lake County.

Read a third time and passed.

Senate Bill No. 301—An Act to divide the State into congressional districts, and to fix the time to elect Representatives to Congress.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Green, Tweed and Lewis, and the bill was passed, by the following vote.

**AYES**—Messrs. Banvard, Betge, Burnett, Comte, Curtis, Fowler, Gwin, Hager, Hutchings, Irwin, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, O'Connor, Saunders and Wand—21.

**NOES**—Messrs. Chappell, Conly, Conn, Green, Murch, Orr, Pacheco, Perkins, Tompkins, Turner, Tweed, Wilson and Wing—13.

Senate Bill No. 93—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read a third time and passed.

Senate Bill No. 201—An Act to protect the rights of married women in certain cases.

Read a third time and passed.

**Senate Bill No. 141**—An Act supplemental to an Act entitled an Act to create a Board of Supervisors in the counties of this State and defining their duties.

Read a third time and passed.

[President pro tem. in the chair.]

**Assembly Bill No. 25**—An Act to pay certain outstanding indebtedness of the County of Mono.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Larkin, Betge and Morrill, and the bill was passed, by the following vote :

**AYES**—Messrs. Banvard, Beach, Betge, Chappell, Conly, Conn, Fowler, Green, Gwin, Hutchings, Irwin, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, Murch, O'Connor, Orr, Pendegast, Tompkins, Turner, Tweed, Wand and Wing—28.

**NOES**—Messrs. Burnett, Comte, Curtis, Hager, Larkin and Pacheco—6.

**Assembly Bill No. 21**—An Act to amend an Act entitled an Act to protect sheep and goats against the ravages of dogs.

The bill was amended by inserting in section one the Counties of Sonoma, Siskiyou, Nevada and Marin.

Mr. Banvard moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Murch, Mandeville and Banvard, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Beach, Chappell, Comte, Conly, Conn, Curtis, Fowler, Gwin, Hager, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Minis, Morrill, O'Connor, Orr, Perkins, Tompkins, Turner, Tweed, Wand, Wilson and Wing—27.

**NOES**—Messrs. Betge, Burnett, Green, Mandeville, McDougall, Murch, Pacheco and Pendegast—8.

**Assembly Bill No. 253**—An Act to authorize the Board of Supervisors of Sonoma County to transfer certain money from the General Fund to the Road Fund.

Read a third time and passed.

**Senate Bill No. 153**—An Act to equalize taxation among the counties of this State.

Upon the passage of the bill the ayes and noes were demanded by Messrs. Conn, Fowler and Lewis, and the bill was passed, by the following vote :

**AYES**—Messrs. Banvard, Beach, Betge, Burnett, Chappell, Conly, Curtis, Green, Gwin, Hager, Hutchings, Irwin, Kincaid, Lawrence, Lewis, Maclay, Morrill, Murch, O'Connor, Orr, Pendegast, Saunders, Tompkins, Tweed, Wand and Wing—26.

**NOES**—Messrs. Comte, Conn, Fowler, Larkin, Mandeville, McDougall, Pacheco, Turner and Wilson—9.

**Senate Bill No. 331**—An Act supplemental to an Act entitled an Act to authorize the Board of Managers of the San Francisco Orphan Asylum, or any other Orphan Asylum in this State, to bind out apprentices, clerks, servants, etc.

Read a third time and passed.

**Senate Bill No. 314—An Act authorizing the Lying-in Hospital and Foundling Asylum to take charge of, bind out and give away children coming under their care.**

**Read a third time and passed.**

**Assembly Bill No. 267—An Act to authorize W. W. Fowler, George F. Hooper, and their associates and assigns, to lay down gas pipes in the City of San Diego.**

**Amendments of committee adopted.**

**Read a third time and passed.**

**Assembly Bill No. 152—An Act for the relief of Patrick Creighton, James Breenan and Patrick Donohue.**

**Mr. Saunders moved to indefinitely postpone the bill.**

**Lost.**

**The bill was then read a third time and passed.**

#### **REPORT.**

**Mr. Morrill, from the Committee on Enrolment, made the following report :**

**Mr. PRESIDENT :** Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 341—An Act supplemental to an Act to regulate the care and maintenance of the indigent sick in and for Yuba County, approved April eighteenth, eighteen hundred and sixty.

**Also, Senate Bill No. 267—An Act to authorize the Board of Supervisors of Yuba County to levy and collect tolls on the Marysville and Brown's Valley Turnpike.**

**Also, Senate Concurrent Resolution No. 31.**

**Also, Senate Bill No. 67—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of San Joaquin to issue certain bonds and to provide for the payment of the principal and interest thereon, approved April eighth, eighteen hundred and sixty-two.**

**Also, Senate Bill No. 133—An Act to authorize Elizabeth W. P. Keeny, administratrix of the estate of George Keeny, deceased, to sell certain lands of said estate.**

**And this day, at three o'clock and thirty minutes P. M., presented the same to the Governor for his approval.**

**MORRILL, Chairman.**

**On motion of Mr. Murch, at five o'clock and twenty minutes P. M., the Senate adjourned.**

**WILLIAM HOLDEN,**  
**President of the Senate.**

**Attest : JOSEPH ROBERTS, Jr., Secretary of Senate.**

## IN SENATE.

SENATE CHAMBER,  
Friday, February 25th, 1870. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITIONS.

By Mr. Mandeville—From citizens of the City of Oakland, for the passage of Senate bill for districting said city, with amendments.

Read and referred to the Committee on Corporations.

By Mr. Hager—From citizens of the City of San Francisco, against the passage of an Act to authorize a railroad to be laid down in certain streets of the City and County of San Francisco for grading purposes.

Read and referred to the San Francisco delegation.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 323—An Act to provide for the liquidation of the floating indebtedness of the County of Santa Barbara, and to repeal sections eight and eleven of an Act entitled an Act to fix the compensation of officers, to provide for funding the county debt of Santa Barbara and prohibit the contracting of any new indebtedness against said county, approved April fourth, eighteen hundred and sixty-four.

Also, Senate Bill No. 448—An Act to authorize the Treasurer of Tuolumne County to apportion certain money to the Current Expense Fund of said county and to pay certain warrants.

O'CONNOR, Chairman.

Mr. Betge, from the Committee on Commerce and Navigation, made the following report :

Mr. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 293—An Act authorizing the parties therein named, their associates and assigns, to construct and maintain a ship canal from the City of Stockton to deep water on the San Joaquin—beg leave to report back a substitute for the same, and respectfully recommend the passage of the substitute.

Also, Senate Bill No. 275—An Act supplementary to an Act entitled an Act to authorize David N. Darlington, Isaiah Hanscom and others, to build a wharf in Solano County, approved February twenty-first, eighteen hundred and fifty-five—report back the same with amendments, and recommend its passage as amended.



Senate Bill No. 258—An Act to authorize John K. Jarboe, M. R. Wattson and Julius Falkenstein, their associates, successors and assigns, to build and maintain a wharf at the City of Vallejo, in the County of Solano—report back the same without recommendation.

Also, Senate Bill No. 225—An Act to authorize Robert J. White, and his successors, associates and assigns, to build and maintain a wharf at the City of Vallejo, in the County of Solano—report back the same without recommendation.

Also, Senate Bill No. 330—An Act to authorize the construction of a wharf at Vallejo, Solano County, California—report the same back without recommendation.

Also, Senate Bill No. 354—An Act to authorize John Cushin, Charles Kent and their associates, to construct and maintain a wharf at the City of Vallejo, in the County of Solano—report back the same without recommendation.

Also, Senate Bill No. 380—An Act to authorize Ezekiel Brown and associates to construct a wharf at Lower Berkeley, in the County of Alameda, State of California—report back the same without recommendation.

Also, Senate Bill No. 407—An Act to authorize John P. Stearns and his associates to construct and maintain a wharf at Santa Barbara—report back the same without recommendation.

Also, Senate Bill No. 427—An Act to establish a steam ferry in the County of Solano—report back the same with amendments, and recommend its passage as amended.

Also, Senate Bill No. 361—An Act to improve the navigation of King's River—report the same back and recommend its indefinite postponement.

Also, Assembly Bill No. 319—An Act to amend an Act to cede certain property to the Town of Crescent City—report back the same and recommend its passage.

BETGE, Chairman.

Mr. Hager, from the Judiciary Committee, made the following report:

MR. PRESIDENT: The Committee on Judiciary have had under consideration Senate Bill No. 255—An Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island, Vallejo and Benicia—and report the same back with a substitute therefor, and recommend the adoption of the substitute and the passage of the same.

HAGER, Chairman.

On motion of Mr. Hager, the substitute above reported was ordered on file, to be taken up at the time the bills for which the substitute is reported.

Mr. Wand, from the Committee on Contingent Expenses, made the following report:

MR. PRESIDENT: Your Committee on Contingent Expenses have had under consideration resolution in relation to furnishing each Senator and certain officers of the Senate with additional postage stamps—and herewith report it back, with the recommendation that it pass.

WAND, Chairman.

Mr. Curtis, from the Committee on Claims, made the following report :

Mr. PRESIDENT: The Committee on Claims have had under consideration Senate Bill No. 887—An Act to authorize the payment of lost interest coupons upon certain State bonds; also, Assembly Bill No. 151—An Act empowering the Board of Education of the City and County of San Francisco to pay the claim of William Craine—and report them back and recommend their passage.

CURTIS, Chairman.

Mr. Lawrence, from the Committee on Printing, made the following majority report:

Mr. PRESIDENT: A majority of the Committee on Printing, to whom was referred Senate Bill No. 252—An Act to protect litigants—have had the same under consideration, and herewith present a substitute for the original bill, recommending its passage; and would also recommend that the usual number of copies of the substitute be printed, and that it be placed at the head of the file for Wednesday, March second.

LAWRENCE,  
MANDEVILLE,  
IRWIN.

Mr. Green presented a minority report from the Committee on Printing, on Senate Bill No. 252.

[For report, see Appendix.]

On motion of Mr. Mandeville, the bill above reported by the majority of the Committee on Printing was ordered on top of the file for Wednesday next.

On motion of Mr. Roberts, the usual number of copies of the substitute reported by the majority of the Committee on Printing, for Senate Bill No. 252, was ordered printed.

Mr. Roberts moved that the usual number of copies of the minority report of the Committee on Printing be ordered printed.

Upon which the ayes and noes were demanded by Messrs. Green, Murch and Chappell, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banyard, Beach, Chappell, Comte, Conly, Conn, Curtis, Green, Hutchings, Kincaid, Larkin, Maclay, McDougall, Morrill, Murch, Orr, Pacheco, Perkins, Roberts, Saunders, Tompkins, Turner, Tweed, Wand, Wilson and Wing—26.

**NOES**—Messrs. Burnett, Farley, Fowler, Gwin, Hager, Irwin, Lawrence, Lewis, Mandeville, Minis, O'Connor and Pendegast—12.

Mr. Lawrence had leave to present a supplemental report from the Committee on Printing, on Senate Bill No. 252.

Mr. Larkin, from the Committee on State and County Revenue, made the following report:

Mr. PRESIDENT: Your Committee on State and County Revenue, to whom was referred Senate Bill No. 272, have had the same under consideration, report the bill back and recommend the passage of the substitute for said bill.

LARKIN, Chairman.

Mr. Conn, from the Committee on Internal Improvements, made the following report:

Mr. PRESIDENT: Your Committee on Internal Improvements, to whom was referred Senate Bill No. 450—An Act to authorize the Board of Supervisors of Los Angeles County to erect a Court-house, or, in their discretion, to purchase a building suitable therefor, and to erect a fire-proof vault therein for the safety and preservation of public records of the county; also, Senate Bill No. 452—An Act to redistrict the County of Los Angeles into supervisor districts, and to provide for the election of Supervisors therefor—report the same back with the recommendation that the bills do pass.

CONN, for Committee.

On motion of Mr. Larkin, the rules were suspended and Senate took up consideration of substitute for Senate Bill No. 272, reported by the Committee on State and County Revenue.

The substitute was adopted.

Rules further suspended, bill considered engrossed and read a third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Roberts, Larkin and Murch, and the bill was passed, by the following vote:

AYES—Messrs. Banvard, Burnett, Comte, Curtis, Farley, Fowler, Gwin, Hager, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, Minis, Morrill, O'Connor, Pendegast, Perkins, Saunders, Turner, Tweed, Wand and Wing—26.

NOES—Messrs. Chappell, Conly, Green, McDougall, Murch, Orr, Pacheco, Roberts, Tompkins and Wilson—10.

Mr. Morrill, from the Committee on Enrolment, made the following report:

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Assembly substitute for Senate Bill No. 51—An Act to establish and define the powers and duties of the Board of Education of the City of Petaluma.

And this day at eleven o'clock and fifty minutes A. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. Saunders, from the San Francisco delegation, verbally reported a substitute for Senate Bill No. 111, and recommended the passage of the substitute.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
February 25th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Assembly Bill No. 159—An Act to protect and encourage the production and sale of pure and wholesome

milk, and to prohibit and prevent the production and sale of unwholesome and adulterated milk.

Also, substitute for Assembly Bill No. 237—An Act legalizing the assessment and levy of taxes for reclamation purposes in Swamp Land District Number Seventy-seven, in the County of Colusa.

Also, Assembly Bill No. 254—An Act to pay the expenses necessarily incurred in suppressing Indian hostilities in the Counties of Humboldt and Trinity, in the years eighteen hundred and sixty-eight and eighteen hundred and sixty-nine.

And, on the twenty-first instant, passed Assembly Bill No. 435—An Act amendatory of and supplementary to an Act, approved April twenty-fifth, eighteen hundred and sixty-three, entitled an Act to incorporate the City of Sacramento.

And, on this day, passed Assembly Bill No. 244—An Act to authorize the Board of Supervisors of the City and County of San Francisco to provide plans for a proper system of grades and sewers.

Also, Assembly Bill No. 213—An Act amending an Act entitled an Act supplementary to an Act entitled an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba and Santa Clara, approved May seventeenth, eighteen hundred and sixty-one.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 159, above reported, read first and second times and referred to the Committee on Agriculture.

Assembly Bill No. 213, above reported, read first and second times and referred to the Committee on Agriculture.

Assembly Bill No. 254, above reported, read first and second times and referred to the Committee on Claims.

Substitute for Assembly Bill No. 237, above reported, read first and second times and referred to the Committee on Swamp and Overflowed Lands.

Assembly Bill No. 244, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 435, above reported, read first and second times and ordered fifth on file for to-morrow.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 25th, 1870. }

MR. PRESIDENT : I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 239—An Act to promote the study of anatomy.

Also, Assembly Bill No. 325—An Act amendatory of an Act entitled an Act to provide for establishing, maintaining and protecting public and private roads in the County of Contra Costa.

Also, Assembly Bill No. 324—An Act concerning estrays and animals found running at large in the County of Santa Cruz.

Also, passed Senate Bill No. 69—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Also, Senate Bill No. 265—An Act to appropriate money for the payment of curtains, carpets and matting for Senate and Assembly Chambers.

Also, Senate Bill No. 235—An Act to amend an Act entitled an Act concerning the Courts of justice of this State, approved April twentieth, eighteen hundred and sixty-eight.

And amended and passed Senate Bill No. 44—An Act relating to certificates of incorporation.

Also, amended and passed Senate Bill No. 79—An Act for the regulation of sailors' boarding houses and shipping houses in San Francisco.

And indefinitely postponed Senate Bill No. 160—An Act authorizing the construction of a railroad bridge in Napa County.

Also, passed substitute for Assembly Bill No. 119—An Act to provide for the improvement of the rivers and streams in Santa Clara County.

Also, passed Senate Bill No. 310—An Act amendatory of and supplementary to an Act entitled an Act to provide for the construction of the State Capitol in the City of Sacramento, approved March twenty-ninth, eighteen hundred and sixty.

Also, amended and passed Senate Bill No. 165—An Act in relation to the Omnibus Railroad Company in the City and County of San Francisco.

Also, passed Senate Bill No. 357—An Act to confirm the action of the Board of Trustees of the City of Vallejo in relation to certain privileges granted to the Vallejo City Water Company.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 239, above reported, read first and second times and referred to the Committee on Hospitals.

Assembly Bill No. 325, above reported, read first and second times and referred to the Committee on Roads and Highways.

Assembly Bill No. 324, above reported, read first and second times and referred to the Committee on Agriculture.

Substitute for Assembly Bill No. 119, above reported, read first and second times and referred to the Santa Clara delegation.

Senate Bill No. 44, above reported, amendments of Assembly concurred in by Senate.

Senate Bill No. 165, above reported, amendments of Assembly concurred in by Senate.

Senate Bill No. 79, above reported, read first and second times and referred to the San Francisco delegation.

#### PETITION.

Mr. Farley had leave to present a petition from citizens of Amador County, relative to the passage of a bill for funding the debt of said county.

Read and referred to the Amador delegation.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Mandeville—An Act to provide for the establishment and maintenance of a State Immigration Bureau.

Read first and second times and referred to the Committee on Immigration.

By Mr. Banvard—An Act to regulate the fees of Justices and Constables in Placer County.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Mandeville—An Act for the relief of Charles Tupper.

Read first and second times and referred to the Committee on Military Affairs.

By Mr. Minis—An Act authorizing the publication of certain legal notices in a State Paper printed at the seat of Government of the State of California.

Read first and second times and referred to the Judiciary Committee.

By Mr. Pendegast—An Act supplementary to the Act of February twenty-first, eighteen hundred and sixty-eight, entitled an Act to limit the hours of labor.

Read first and second times and referred to the Judiciary Committee.

By Mr. Wand—An Act to authorize the payment of certain claims against the State.

Read first and second times and referred to the Committee on Claims.

By Mr. Irwin—An Act to amend an Act entitled an Act to authorize the establishment of county infirmaries for the relief of the indigent, and to amend an Act entitled an Act to provide for the indigent sick in the counties of this State, approved March thirty-first, eighteen hundred and fifty-five, approved April eighteenth, eighteen hundred and sixty.

Read first and second times and laid on the table.

By Mr. Pendegast—An Act relating to the Terminal Railway Company.

Read first and second times and referred to the Committee on Commerce and Navigation.

## MOTIONS AND RESOLUTIONS.

[Mr. Perkins in the chair.]

On motion of Mr. Wand, Senate Bill No. 244 was taken from the file and referred to the delegations from San Francisco, Monterey and San Luis Obispo.

[President pro tem. in the chair.]

Mr. Fowler moved to take Senate Bill No. 243 from the file and refer it to the Tulare and Mariposa delegations.

Upon which the ayes and noes were demanded by Messrs. Maclay, Green and Perkins, and the Senate refused, by the following vote :

**AYES**—Messrs. Conn, Curtis, Fowler, Hager, Irwin, Larkin, Lewis, Mandeville, McDougall, Minis, O'Connor, Orr, Perkins, Turner, Tweed, Wand and Wing—17.

**NOES**—Messrs. Beach, Burnett, Chappell, Comte, Conly, Green, Gwin, Hutchings, Kincaid, Lawrence, Maclay, Morrill, Murch, Pacheco, Pendegast, Roberts, Saunders, Tompkins and Wilson—10.

By Mr. Larkin :

*Resolved*, That Joseph Roberts, Jr., Secretary of the Senate, is hereby authorized to complete and compile the Appendix of the Senate and furnish the State Printer copy thereof, and of the minutes of the Senate and such other copying as may not be completed upon the adjournment of the Legislature, at the rate of fifteen cents per folio; and the Surveyor-General shall estimate and certify the same, upon which certificate the Controller of State is hereby authorized to draw his warrant, payable out of the Contingent Fund of the Senate.

Referred to the Committee on Contingent Expenses.

By Mr. Hutchings:

*Resolved*, That Senators Gwin and Wilson be added to the Special Committee on Fees and Salaries.

Adopted.

By Mr. Comte :

*Resolved*, That Senators Maclay, Gwin, Wilson and Conly each be and are hereby allowed the sum of forty-six dollars and eighty cents, as mileage, while in the discharge of committee duty, payable out of the Contingent Fund of the Senate.

Adopted.

On motion of Mr. Roberts, four hundred and eighty copies of Senate Bill No. 436 were ordered printed.

By unanimous consent, the special order was discharged, and the message of the Governor vetoing Senate Bill No. 7 made the special order for Tuesday next, at one o'clock P. M.

Mr. Curtis, from the Sacramento delegation, verbally reported Senate Bill No. 464, and the bill was ordered to be placed sixth on the file for to-morrow.

#### GENERAL FILE.

Substitute for Senate Bill No. 255—An Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia. Considered in Committee of the Whole.

Section twenty was amended by striking out "twenty-five" and inserting in lieu thereof "fifty."

#### IN SENATE.

Mr. Saunders moved to indefinitely postpone the bill.

Upon the indefinite postponement of the substitute reported by the Judiciary Committee, the ayes and noes were demanded by Messrs. O'Connor, Green and Turner, and the Senate refused, by the following vote :

**AYES**—Messrs. Beach, Burnett, Chappell, Conly, Green, Hutchings, Lawrence, Maclay, McDougall, Morrill, Murch, Orr, Pendegast, Roberts and Tweed—15.

**NOES**—Messrs. Banvard, Comte, Conn, Curtis, Farley, Fowler, Gwin, Hager, Irwin, Kincaid, Lewis, Mandeville, Minis, O'Connor, Perkins, Saunders, Tompkins, Turner, Wand, Wilson and Wing—21.

Upon ordering the bill engrossed, the ayes and noes were demanded by Messrs. Green, Maclay and Mandeville, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Comte, Conly, Conn, Curtis, Farley, Fowler, Gwin, Hager, Irwin, Kincaid, Lewis, Mandeville, Minis, O'Connor, Perkins, Saunders, Tompkins, Turner, Wand, Wilson and Wing—22.

**NOES**—Messrs. Beach, Burnett, Chappell, Green, Hutchings, Lawrence, Maclay, McDougall, Morrill, Murch, Orr, Pendegast, Roberts and Tweed—14.

At four o'clock and forty minutes P. M., on motion of Mr. Conly, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest : JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, February 26th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITIONS.

By Mr. Fowler—From citizens of the Town of Visalia, for the passage of an Act for the incorporation of said town.

Read and referred to the Committee on Corporations.

By Mr. Green—From citizens of Contra Costa County, against the increase of fees or salaries of county officers in said county.

Read and referred to the Committee on Fees and Salaries.

Messrs. Betge and Hunter were granted leave of absence for one day.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

**MR. PRESIDENT:** The Committee on Engrossment have examined and find correctly engrossed substitute for Senate Bill No. 185—To provide for the reclamation of swamp, salt marsh, tide and other overflowed lands.

Also, Senate Bill No. 458—An Act entitled an Act to amend an Act entitled an Act to amend an Act entitled an Act concerning roads and highways in the Counties of Mariposa and Tulare, approved January



seventeenth, eighteen hundred and sixty-six, approved March thirteenth, eighteen hundred and sixty-eight

O'CONNOR, Chairman.

Mr. Morrill, from the Committee on Enrolment, made the following report :

Mr. PRESIDENT: Your Committee on Enrolment have examined and find correctly enrolled Senate Bill No. 265—An Act to appropriate money for the payment for curtains, carpets and matting for Senate and Assembly Chambers.

And this day, at eleven o'clock, presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. Lewis, from the Committee on Military Affairs, verbally reported Senate Bill No. 468, with the recommendation that the same be referred to the Committee on Claims.

The bill was so referred.

Mr. Hager, from the Judiciary Committee, made the following report :

Mr. PRESIDENT: The Committee on Judiciary have had under consideration the following bills, and report back, with amendments, Senate Bill No. 211—An Act supplementary to an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight; Senate Bill No. 218—An Act to amend section three hundred and thirty-six of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one; Senate Bill No. 241—An Act supplementary to an Act entitled an Act defining the times for commencing civil actions, approved April twenty-second, eighteen hundred and fifty—and recommend the adoption of the amendments and the passage of the several bills, as amended.

The committee have had under consideration the petition of Emily Bartholomew, praying for an Act of the Legislature enabling her, as guardian, to sell the real estate of her minor children, situate in California, and in accordance with the prayer of said petition, have prepared a bill and report the same back, and recommend its passage.

Also, Senate Bill No. 176—An Act to provide compensation for the revision of the laws—report the same back and recommend that it be referred to the Committee on Claims, as its consideration properly belongs to the province of that committee.

Also, Senate Bill No. 246—An Act to legalize certain county warrants in the County of Tuolumne—the committee see no legal objection to the passage of the bill, and if the local delegation approve it, recommend its passage.

HAGER, Chairman.

Senate Bill No. 176, above reported by the Judiciary Committee, was ordered on file.

Mr. Hager verbally reported Assembly Bill No. 15, with the following resolution :

*Resolved* by the Senate, That Assembly Bill No. 15—An Act amendatory of and supplementary to an Act entitled an Act relative to the

office of District Attorney of the County of Sacramento, approved March sixteenth, eighteen hundred and sixty-four—be returned to the Assembly, and that the Assembly be respectfully requested to have the bill engrossed, as it passed that body, with such amendments as were adopted, the amendments attached to the bill not being verified by any officer

Adopted.

Mr. Hager verbally reported a substitute for Senate Bill No. 274, and recommended the adoption of the substitute.

Mr. Gwin, from the Committee on State University, made the following report:

Mr. PRESIDENT: The Committee on the State University have had under consideration Senate Bill No. 355—An Act for the endowment of the University of California—report the same back and recommend its passage.

GWIN, Chairman.

Mr. Gwin, from the Committee on Mines and Mining Interests, made the following report:

Mr. PRESIDENT: The Committee on Mines and Mining Interests have had under consideration Senate Bill No. 441—An Act to authorize the incorporation of canal companies and to provide for the construction of canals and ditches—report the same back and recommend its passage.

GWIN, Chairman.

Mr. Saunders, from the Committee on Corporations, made the following report:

Mr. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 179—An Act to provide for laying down gas pipes in the streets of Sacramento, and for furnishing gas to public and private buildings therein, and for lighting the streets thereof—report the same back and recommend its passage, with the following amendments: In line twelve, section one, strike out the word "fifty" and in place thereof insert the word "twenty;" in line seven, section two, strike out the word "two" and insert the word "one;" in line seven, section five, and at the end thereof, add: "*Provided*, that said laying and repairing shall be always under the direction of the Superintendent of the Public Streets."

The committee have also had under consideration Senate Bill No. 146—An Act to divide the City of Oakland into wards, and to provide for the holding of elections therein—and report the same back with a substitute, and recommend the passage of the substitute.

Also, substitute for Assembly Bill No. 99—An Act to grant the right of way for a railroad track within the corporate limits of the City of Vallejo, in the County of Solano, to Edward McGettigan and Henry Conolly, their associates and assigns—report the same back with the following amendments, and, as amended, recommend that it be passed: Amend by inserting the words "for each offence" at the end of section four, page four; also, at the end of section seven, page six, insert the words "said rates to be hereafter, from time to time, determined by the Legislature of the State of California."

Also, Assembly Bill No. 76—An Act to incorporate the City of Gilroy—report the same back with amendments, and, as amended, recommend that it be passed: Amend by striking out section five and inserting the accompanying forty-six sections; and amend further by changing the number of section six to section forty-seven, and the numbers of the sections following to correspond therewith.

Also, Senate Bill No. 298—An Act concerning the City of Vallejo, and to ratify and confirm a certain ordinance of the Trustees thereof—report the same back with an amendment, and, as amended, recommend that it be passed: Amend by striking out all of section two, on page three.

Also, Senate Bill No. 155—An Act authorizing J. West Martin and others to construct, operate and maintain a railroad and wharf in the County of Alameda—report the same back with the recommendation that it be indefinitely postponed.

SAUNDERS, Chairman.

On motion of Mr. Mandeville, the rules were suspended, and Senate took up consideration of substitute for Senate Bill No. 146, above reported by the Committee on Corporations.

On motion, the substitute was adopted.

The substitute was considered in Committee of the Whole.

Mr. Tompkins offered the following substitute for section nine:

“At the next charter election of the said city, the question whether this bill shall take effect shall be submitted to a vote of the qualified electors of said city; and if a majority of the voters at such election shall vote in favor thereof, the same shall thereupon be in full force and effect.”

Upon the adoption of the substitute proposed by Mr. Tompkins, the ayes and noes were demanded by Messrs. Roberts, Murch and Chappell, and the Senate refused, by the following vote:

**AYES**—Messrs. Beach, Chappell, Conly, Conn, Curtis, Green, Murch, Orr, Pacheco, Perkins, Roberts, Tompkins, Turner, Tweed, Wilson and Wing—16.

**NOES**—Messrs. Banvard, Betge, Burnett, Comte, Farley, Fowler, Gwin, Hager, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, O'Connor, Pendegast, Saunders and Wand—22.

The bill was ordered engrossed.

On motion of Mr. Tompkins, the rules were suspended, and Senate Bill No. 66—An Act to provide for the welfare and to increase the efficiency of the California Institution for the Deaf, Dumb and Blind—was taken from the file and considered.

The rules were further suspended, bill considered engrossed, read a third time and passed, and transmitted to the Assembly.

On motion of Mr. Minis, the rules were suspended, and Senate took up substitute for Assembly Bill No. 99—An Act to grant the right of way for a railroad track within the corporate limits of the City of Vallejo, in the County of Solano, to Edward McGettigan and Henry Connolly, their associates and assigns.

The bill was considered in Committee of the Whole and amended.

## IN SENATE.

Amendments of committee adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

## REPORTS.

Mr. Maclay, from the Committee on Education, made the following report :

MR. PRESIDENT : The Committee on Education, to whom was referred Senate Bill No. 183—An Act in relation to the office of State Geologist; also, Senate Bill No. 352—An Act relating to Yreka School District, in Siskiyou County; also, Senate Bill No. 234—An Act to repeal an Act entitled an Act to authorize and require the Board of Supervisors of Butte County to levy a tax for the support of common schools in said county, and to abolish taxation by school districts for like purposes—have had the same under consideration and report them back, recommending their passage.

MACLAY, Chairman.

Mr. Hutchings, from the Committee on Roads and Highways, made the following report :

MR. PRESIDENT : Your committee to whom was referred Senate Bill No. 454—An Act amendatory to an Act concerning roads and highways in the County of San Mateo; also, Assembly Bill No. 325—An Act amendatory to an Act to provide for establishing, maintaining and protecting public and private roads in the County of Contra Costa—report favorable and recommend their passage.

Also, Assembly Bills Nos. 273 and 140, report unfavorable and recommend they do not pass.

HUTCHINGS, Chairman

Mr. Lawrence, from the Committee on Printing, made the following report :

MR. PRESIDENT : Your Committee on Printing, to whom was referred Senate Bill No. 460—An Act relative to the publication of certain reports—have had the same under consideration, and report the same back, recommending its passage, with the following amendments : Amend section three, line twelve, by striking out the words "three thousand one hundred and twenty," and inserting in lieu thereof the words "five thousand two hundred and eighty." Also, amend section four, line forty, by striking out the word "one" and inserting the word "five."

Your committee have also had under consideration Senate Bill No. 459—An Act to define the time when certain reports shall be made—and report the same back, recommending its passage.

LAWRENCE, Chairman.

Mr. Saunders, from the San Francisco delegation, made the following report :

MR. PRESIDENT : The San Francisco delegation, to whom was referred Senate Bill No. 294—An Act to modify the grade of certain streets in

the City and County of San Francisco—having had the same under consideration, respectfully report the same back to the Senate and recommend its passage.

SAUNDERS, for Delegation.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February —, 1870.

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved substitute for Senate Bill No. 213—An Act to authorize Bridget Stannah, administratrix of the estate of William Stannah, deceased, to sell the real estate belonging to said estate in the City and County of San Francisco, at public or private sale.

Also, Assembly substitute for Senate Bill No. 51—An Act to establish and define the powers and duties of the Board of Education of the City of Petaluma.

Also, Senate Bill No. 265—An Act to appropriate money for the payment of curtains, carpets and matting for Senate and Assembly Chambers.

H. H. HAIGHT,  
Governor.

MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
February 25th, 1870.

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 104—An Act to amend an Act entitled an Act to provide for street railroads in the City and County of San Francisco.

Also, Senate Bill No. 239—An Act granting to the North Beach and Mission Railroad Company certain rights therein named.

Also, Senate Bill No. 216—An Act to repeal an Act entitled an Act concerning crimes and punishments, approved April first, eighteen hundred and sixty-four.

Also, concurred in Senate amendments to Assembly Bill No. 267.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
February 26th, 1870.

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-fourth instant, passed Assembly Bill No. 332—An Act in relation to delinquent taxes in the County of Alpine.

Also, Assembly Bill No. 68—An Act donating the San Francisco and North Pacific Railroad certain salt marsh and tide lands in the Counties of Marin and San Francisco.

And, on yesterday, passed Senate Bill No. 142—An Act to amend an Act entitled an Act to regulate proceedings in civil cases.

Also, Senate Bill No. 126—An Act to ratify and confirm a certain conveyance made by the Board of Education of the City and County of San Francisco.

Also, Senate Concurrent Resolution No. 29—Relative to granting leave of absence to J. W. Bost.

Also, Senate Bill No. 263—An Act to confirm a certain ordinance and contract relating to lighting the streets in the City of Oakland.

Also, Senate Bill No. 242—An Act to transfer certain funds to the Common School Fund of the County of Butte.

Also, to present two petitions from the citizens of Humboldt County, which were ordered transmitted by the Assembly.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 332, above reported, read first and second times and referred to the Finance Committee.

Assembly Bill No. 68, above reported, read first and second times.

Mr. Pendegast moved to refer the bill to a Committee of the Whole Senate.

Upon which the ayes and noes were demanded by Messrs. Irwin, Green and Betge, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Beach, Betge, Burnett, Chappell, Conn, Curtis, Farley, Green, Lawrence, Maclay, McDougall, Morrill, Murch, Pendegast, Roberts, Tompkins, Turner and Tweed—18.

**NOES**—Messrs. Banvard, Comte, Conly, Fowler, Gwin, Hager, Irwin, Larkin, Lewis, Mandeville, Minis, O'Connor, Orr, Perkins, Wand, Wilson and Wing—17.

The hour of one o'clock having arrived, the hour for the special order.

Mr. Lewis moved to temporarily postpone the consideration of the special order.

Upon which the ayes and noes were demanded by Messrs. Green, Fowler and O'Connor, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Beach, Comte, Conly, Conn, Curtis, Farley, Fowler, Green, Hager, Irwin, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, O'Connor, Pendegast, Perkins, Roberts, Tompkins, Turner, Tweed, Wand and Wilson—28.

**NOES**—Messrs. Betge, Burnett, Chappell, Gwin, Murch, Orr and Wing—7.

Mr. Larkin moved that the committee be instructed to report Assembly Bill No. 68 back to the Senate, with the recommendation that the same be indefinitely postponed.

Mr. Green moved to amend, that the committee recommend the reference of the bill to the Committee on Corporations.

Lost.

The original motion was then adopted.

## IN SENATE.

Mr. Lewis moved to suspend the rules in order that Assembly Bill No. 68, above reported, may be taken up and considered at this time

Upon which the ayes and noes were demanded by Messrs. Green, Betge and Maclay, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Beach, Comte, Conly, Conn, Farley, Fowler, Gwin, Hager, Irwin, Larkin, Lewis, Mandeville, Minis, Morrill, O'Connor, Pendegast, Perkins, Roberts, Tompkins, Tweed, Wand, Wilson and Wing—24.

**NOES**—Messrs. Betge, Burnett, Chappell, Curtis, Green, Kincaid, Lawrence, Maclay, McDougall, Murch, Orr and Turner—12.

Mr. Larkin moved that Assembly Bill No. 68 be indefinitely postponed.

Upon which the ayes and noes were demanded by Messrs. Green, Larkin and Betge, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Beach, Betge, Chappell, Comte, Conly, Conn, Curtis, Farley, Fowler, Green, Gwin, Hager, Irwin, Larkin, Lewis, Mandeville, Minis, Morrill, Murch, O'Connor, Orr, Pendegast, Perkins, Roberts, Tompkins, Tweed, Wand, Wilson and Wing—30.

**NOES**—Messrs. Burnett, Kincaid, Lawrence, Maclay, McDougall and Turner—6.

Mr. Betge gave notice of a motion to reconsider the vote just taken.

## REPORT.

Mr. Lawrence had leave to make the following report :

**MR. PRESIDENT :** Your Committee of Conference, to whom was referred Assembly Bill No. 77—An Act to encourage the destruction of squirrels and gophers in certain counties in this State, and to provide for a bounty for the same—have had the same under consideration and agreed upon the following amendments, recommending its passage as amended : Amend by inserting the words "Merced, San Joaquin," in line three, section one, after the word "Stanislaus." Amend section one by inserting, in line ten, after the word "Stanislaus," the words "Merced, Fresno, San Joaquin." Amend section one by striking out, in line twelve, the words "and Fresno."

LAWRENCE, for Senate Committee.

## SPECIAL ORDER.

At one o'clock and forty-five minutes P. M. Senate took up consideration of special order—reconsideration of vote on resolution in the contested election case of P. W. Murphy vs. R. Pacheco.

On motion of Mr. Lewis, a call of the Senate was ordered.

On motion of Mr. Mandeville, the further proceedings under the call were dispensed with.

[Mr. O'Connor in the chair.]

Upon the motion to reconsider the vote by which the Senate refused to adopt the resolution of the Committee on Elections, the ayes and noes were demanded by Messrs. Lewis, Mandeville and Irwin. The roll was called, with the following result:

**AYES**—Messrs. Burnett, Comte, Farley, Fowler, Hager, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, O'Connor, Pendergast and Wand—15.

**NOES**—Messrs. Banvard, Chappell, Conly, Conn, Curtis, Green, Irwin, Murch, Orr, Roberts, Tompkins, Turner, Tweed, Wilson and Wing—15.

There being a tie vote, the President, in the exercise of his constitutional privilege, voted in the affirmative, and the motion to reconsider prevailed.

On motion of Mr. Mandeville, the contested election case of Murphy vs. Pacheco was made the special order for Tuesday next, at one o'clock P. M.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
February 26th, 1870. }

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on this day, amended and passed substitute for Senate Bill No. 272—An Act to regulate fees and salaries of officers and defining their duties, in the County of El Dorado, and other matters relating thereto.

FERRAL,  
Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill No. 272, above reported, amendments of Assembly concurred in by the Senate.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
February 26th, 1870. }

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on this day, concurred in Senate amendments to Assembly Bill No. 99.

Also, passed, with an amendment, Senate Bill No. 41—An Act to amend section one of an Act entitled an Act to authorize the issue of bonds by the County of Santa Clara to complete the Court-house of said county and to erect a county jail, approved March twenty-fifth, eighteen hundred and sixty-eight.

CRAWFORD,  
Assistant Clerk.



## CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill No. 41, above reported, amendments of Assembly concurred in by the Senate.

[Mr. Mandeville in the chair.]

On motion of Mr. Roberts, at three o'clock and twenty minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Monday, February 28th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present

Prayer by the Chaplain.

Journal of Saturday read and approved.

## PETITIONS.

By Mr. Roberts—From citizens of Nevada County, for the passage of Senate Bill No. 345.

Reading dispensed with and petition laid on the table.

By Mr. O'Connor—From citizens of Nevada County, against the passage of Senate Bill No. 345.

Read and referred to the Committee on Corporations.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed substitute for Senate Bill No. 255—An Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island, Vallejo and Benicia.

Also, substitute for Senate Bill No. 146—An Act to divide the City of Oakland into wards, and to provide for the holding of elections therein.

O'CONNOR, Chairman.

Mr. Mandeville moved to suspend the rules, for the consideration of substitute for Senate Bill No. 146, above reported by the Committee on Engrossment.

Upon which the ayes and noes were demanded by Messrs. Betge, Lewis and Mandeville, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Betge, Burnett, Comte, Curtis, Farley, Fowler, Hager, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, O'Connor, Pendegast, Saunders, Wand and Wilson—22.

**NOES**—Messrs. Chappell, Green, Murch, Orr, Roberts, Tompkins, Turner and Wing—8.

The bill was read a third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Roberts, Mandeville and Orr, and the bill was passed, by the following vote :

**AYES**—Messrs. Banvard, Betge, Comte, Curtis, Farley, Fowler, Hager, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, O'Connor, Pendegast, Saunders, Wand and Wilson—22.

**NOES**—Messrs. Chappell, Conn, Green, Murch, Orr, Pacheco, Roberts, Tompkins, Turner, Tweed and Wing—11.

Mr. Mandeville moved to further suspend the rules and transmit the bill immediately to the Assembly.

Upon which the ayes and noes were demanded by Messrs. Roberts, Mandeville and Orr, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Betge, Comte, Conn, Curtis, Farley, Fowler, Hager, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, O'Connor, Pendegast, Saunders, Wand and Wilson—24.

**NOES**—Messrs. Chappell, Green, Murch, Orr, Pacheco, Roberts, Tompkins, Turner, Tweed and Wing—10.

#### REPORTS.

Mr. Saunders, from the Committee on Corporations, made the following report :

**MR. PRESIDENT:** The Committee on Corporations, to whom was referred Senate Bill No. 57—An Act authorizing H. S. Sargent and others to lay down and maintain a railroad in the City of Stockton and County of San Joaquin—have had the same under consideration, and report it back, with the recommendation that it be passed, with the following amendments: Strike out all after the word "street," in line sixteen, section one, page one, to the word "the," in line twenty-two of the same section and page. At the end of section four add the following: "Provided, that the Legislature of the State of California may at any time hereafter reduce or otherwise regulate the fares aforesaid" Strike out all of section nine and in lieu thereof insert: "Section 9. The Common Council of the City of Stockton, and the Board of Supervisors of the County of San Joaquin, may at all times indicate the motive power, whether horse or steam, and the rate of speed thereof."

The committee have also considered Senate Bill No. 124—An Act to authorize Thomas J. Johnston and his associates to construct and maintain a railroad in the City of Vallejo and County of Solano—and report the same back with the recommendation that it be indefinitely postponed.

Also, Senate Bill No. 347—An Act to amend an Act entitled an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, courts and places in the said city, approved April fourth, one thousand eight hundred and sixty-four—report the same back, with the recommendation that it be passed.

Also, Assembly Bill No. 73—An Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings—approved April eleventh, eighteen hundred and sixty-two—report the same back and recommend that it be passed.

Also, Senate Bill No. 247—An Act to authorize the formation of corporations to provide the members thereof with homesteads, or lots of land suitable for homesteads—report the same back, and, by reason of the legal questions involved in the bill, recommend that it be referred to the Judiciary Committee.

Also, Senate Bill No. 277—An Act requiring corporations, and others doing life insurance business in this State, to make deposits, and regulating the same—report it back and recommend that it be referred to the Judiciary Committee.

Also, Senate Bill No. 456—An Act amendatory of and supplementary to an Act entitled an Act to incorporate the Town of Redwood City, approved March twenty-seventh, eighteen hundred and sixty-eight—report the same back and recommend that it be passed.

SAUNDERS, Chairman.

Senate Bill No. 247, above reported, was referred to the Judiciary Committee.

Senate Bill No. 277, above reported, was referred to the Judiciary Committee.

Mr. Betge, from the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 307—An Act to provide for the sale and conveyance of certain submerged lands in the City and County of San Francisco to Henry B. Tichenor—beg leave to report back the same, with amendments, and recommend its passage as amended.

BETGE, Chairman.

Mr. Lawrence presented a majority report from the Committee on Printing, on Senate Bill No. 252, which was read and ordered printed.

[For report, see Appendix.]

Mr. Curtis presented the following report:

MR. PRESIDENT: The Sacramento, Yolo and Solano delegations, to whom was referred Senate Bill No. 73—An Act to amend an Act entitled an Act more clearly to define the boundaries of Sacramento, Sutter and Placer Counties, approved March thirteenth, eighteen hundred and sixty-six—have had the same under consideration, and report it back and recommend its passage.

CURTIS,  
COMTE,

Sacramento Delegation.

MINIS,

Yolo and Solano Delegation.

On motion of Mr. Curtis, the rules were suspended for the consideration of Senate Bill No. 73, above reported.

The rules were further suspended, bill considered engrossed, read a third time and passed; title amended and amendment adopted.

Mr. McDougall, from the Monterey delegation, verbally reported substitute for Assembly Bill No. 91 and recommended its passage.

Mr. Saunders, from the San Francisco delegation, verbally reported Senate Bill No. 79, with amendments, and recommended the passage of the same as amended.

Mr. Saunders, from the San Francisco delegation, made the following report:

Mr. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 11—An Act to grant to certain parties the right of way for a railroad track within the corporate limits of the City and County of San Francisco and to run horse cars thereon—have had the same under discussion, and respectfully report a substitute for said bill back to the Senate and recommend the passage of the substitute.

Also, Senate Bill No. 217—An Act to regulate the elections of voluntary political associations and parties in the City and County of San Francisco, and to secure a fair expression of the choice of such associations and parties in the nomination of candidates—having discussed the same, report the same back and recommend its passage.

SAUNDERS, for Delegation.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, February 28th, 1870.

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 267—An Act to authorize the Board of Supervisors of Yuba County to levy and collect tolls on the Marysville and Brown's Valley Turnpike.

Also, Senate Bill No. 235—An Act to amend an Act, approved March twenty-fourth, eighteen hundred and sixty-four, entitled an Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

H. H. HAIGHT,  
Governor.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER, }  
February 26th, 1870.

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the nineteenth instant, passed Assembly Concurrent Resolution No. 30—For the establishment of a mail route from San José to Almaden.

And, on the twenty-first instant, passed Assembly Bill No. 318—An Act to authorize C. A. Miles, W. S. Greenwood, C. E. Baldwin and S. S. Morton and assigns to construct and maintain a wharf, chute and flume at or near the mouth of Greenwood Creek, and to charge and collect tolls for the use of the same.

Also, Assembly Bill No. 350—An Act authorizing the condemnation of private property within the limits of the public streets of the City and County of San Francisco, within the Laguna Survey.

Also, Assembly Bill No. 357—An Act to allow the claim of J. A. Eagan against the County of Amador.

And, on the twenty-fourth instant, passed Assembly Bill No. 394—An Act to authorize the Board of Supervisors of Marin County to issue and sell bonds of said county and apply the proceeds thereof to the construction of wagon roads in said county.

And, on the twenty-fifth instant, passed substitute for Assembly Bill No. 288—An Act to regulate the salaries and fix the compensation of certain county officers in the County of Nevada.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
February 28th, 1870. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-sixth day of this month, passed Senate Concurrent Resolution No. 18.

Also, passed, on the same day, Senate Bill No. 116.

And, on this day, passed Senate Bill No. 180—An Act for the relief of S. D. Smith.

Also, substitute for Senate Bill No. 154—An Act authorizing Hiram Tubbs and others to construct and operate a street railroad in the County of Alameda.

Also, Senate Bill No. 94—An Act to authorize the formation of special partnerships.

Also, Senate Bill No. 356—An Act to provide military instruction in the University of California, and to authorize the Governor to call into service the retired officers of University Cadets in case of war or insurrection.

Also, Senate Bill No. 324—An Act authorizing the Board of Supervisors of Santa Barbara County to pay the claims of Assa Porter and Augustine Janssens.

Also, Senate Bill No. 166—An Act to confer additional powers upon the Board of Supervisors and the Auditor and Treasurer of the City and County of San Francisco.

MOFFITT,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

[President pro tem. in the chair.]

Assembly Concurrent Resolution No. 30, above reported, read first and second times, rules suspended, read a third time and adopted.

Assembly Bill No. 318, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No 350, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 357, above reported, read first and second times and referred to the Amador delegation.

Assembly Bill No. 394, above reported, read first and second times and referred to the Marin delegation

Substitute for Assembly Bill No. 283, above reported, read first and second times and referred to the Nevada delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Mandeville—An Act to authorize and empower Charles F. Smith and Franklin P. Smith, both minors, to sell and convey certain real estate in Alameda County.

Read first and second times and referred to the Judiciary Committee.

By Mr. Burnett—An Act relating to actions of partitions.

Read first and second times and referred to the Judiciary Committee.

By Mr. Larkin—An Act to provide for compensating parties whose property may be destroyed in consequence of mobs and riots.

Read first and second times and referred to the Judiciary Committee.

Also, proposed amendment to the Constitution of the State of California.

Read first and second times and referred to the Judiciary Committee.

By Mr. Tompkins—An Act to prevent the destruction of fish and game in, upon and around the waters of Lake Merritt or Peralta, in the County of Alameda.

Read first and second times and referred to the Alameda delegation.

By Mr. Curtis—An Act concerning road taxes in the County of Sacramento.

Read first and second times and placed on file.

By Mr. Comte—An Act to pay for work done in the State Land Office.

Read first and second times and referred to the Committee on Claims.

By Mr. Hager—An Act to authorize the Superintendent of Public Streets, Highways and Squares of San Francisco, to issue an assessment to Michael Conniff for street work done by him.

Read first and second times and referred to the San Francisco delegation.

By Mr. Turner—An Act concerning roads and highways in Sierra Township, County of Sierra.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Banvard—An Act to amend an Act entitled an Act to amend section eighty-two of an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, approved April twenty-ninth, eighteen hundred and sixty-three.

Read first and second times and referred to the Finance Committee.

By Mr. Maclay—An Act to encourage the manufacture of silk in the State of California.

Read first and second times and referred to the Committee on Agriculture.

By Mr. Murch—An Act to fix the amount of the official bond of the Tax Collector of Del Norte County.

Read first and second times and referred to Committee on State and County Revenue.

By Mr. Wing—An Act to provide for redeeming and paying the warrants outstanding against Tuolumne County, and for paying the current expenses of said county in cash, and defining and limiting the powers and duties of certain officers in relation thereto.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Pendegast—An Act to repeal an Act entitled an Act amendatory of and supplementary to an Act to prevent certain animals from running at large in Napa City, approved April seventeenth, eighteen hundred and sixty-three.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Banvard, the rules were suspended and Senate took up Assembly message.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
February 28th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body, that the Assembly, on this day, ordered returned to the Senate for correction, Senate Bill No. 411—An Act for the relief of Henry N. Morse, Sheriff of Alameda County—as the bill does not show it to have been read first and second times in the Senate.

And, on this day, passed a substitute for Senate Bill No. 420—An Act entitled an Act to provide for the collection of revenue in the County of Placer.

And, also, to return Assembly Bill No. 15, correctly engrossed, as requested.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 15, above reported, read first and second times and placed number seven on the general file.

Substitute for Senate Bill No. 420, above reported from the Assembly, adopted.

Rules suspended, read a third time and passed.

#### MOTIONS, RESOLUTIONS AND NOTICES.

By Mr. Roberts :

*Resolved*, That the Judiciary Committee be and is hereby requested to inquire into the expediency of providing by general law for the protection of counties, cities and incorporated towns, donating or loaning bonds to railroad companies, by giving to such counties, cities or towns a first mortgage lien, having preference over all other mortgages, liens

or liabilities; and that the committee report by bill or otherwise, within ten days.

Adopted.

Mr. Tompkins moved to take Senate Bill No. 183 from the file and place the same at the top of the file for Tuesday, March fifteenth.

Lost.

By Mr. Murch—Concurrent resolution relative to a weekly mail from Cottage Grove to Orleans, in Klamath County.

Read first and second times and referred to the Committee on Federal Relations.

By Mr. Bunvard:

*Resolved*, That the resolution adopted by the Senate, January fourth, appointing A. J. Starlings, Copying Clerk, during the indisposition of W. S. Cooper, be and the same is hereby rescinded.

Read and referred to the Committee on Contingent Expenses.

By Mr. Murch:

*Resolved*, That the Secretary of the Senate is hereby directed and required to report to the Senate, on or before Friday next, the names of all Assistant Journal, Enrolling, Engrossing and Copying Clerks of the Senate, together with the date of the appointment of, and the per diem allowed to, each of such assistant clerks. And the names of all Standing and Special Senate Committee Clerks, the committee to which each clerk shall have been appointed, the date of his appointment, and the per diem which he has been allowed.

Adopted.

By Mr. Hager:

*Resolved*, That Marcus R. Mayer, temporary Journal Clerk of the Senate, be and he is hereby authorized to copy the Appendices of the Senate and furnish the State Printer copy thereof, and of the minutes of the Senate and such other copying as may be unfinished upon the adjournment of the Legislature, at the rate of fifteen (15) cents per folio, and when completed he shall deliver the work to the Controller of State, who shall compute and audit the same, and draw his warrant in favor of said Marcus R. Mayer, for the amount found to be due, payable out of the Contingent Fund of the Senate.

Read and referred to the Committee on Contingent Expenses.

By Mr. O'Connor:

*Resolved*, That J. C. Potter be and is hereby authorized to arrange and copy the Appendices of the Senate after its adjournment, at ten cents per folio, payable out of the Contingent Fund of the Senate.

Read and referred to the Committee on Contingent Expenses.

Pursuant to notice, Mr. Betge moved to reconsider the vote by which the Senate indefinitely postponed Assembly Bill No. 68.

Mr. Hager moved a call of the Senate, which was ordered.

On motion of Mr. Pendergast, the further proceedings under the call were dispensed with.



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#### GENERAL FILE.

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Senate Bill No. 269—An Act to prevent the kidnapping a.  
ion of Mongolian, Chinese and Japanese females for crim.  
moralizing purposes.  
Amendments of Judiciary Committee adopted.  
The bill was considered in Committee of the Whole and amended.

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#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the  
enate.

Mr. Tweed offered the following amendment to section one:

Strike out in section one, line two, the words "Mongolian, Chinese or  
apanese;" also, in lines three and four, the words "in any of the islands  
adjacent to the empire of China," and insert in line three, after the word  
or, "elsewhere."

Lost.

On motion, the rules were suspended, bill considered engrossed, read  
third time and passed.

[President in the chair.]

Senate Bill No. 270—An Act to prevent the importation of Chinese  
criminals and to prevent the establishment of coolie slavery.  
Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole adopted.

Rules suspended, bill considered engrossed, and read a third time.  
Upon the passage of the bill, the ayes and noes were demanded by  
Messrs. Tweed, Lawrence and Tompkins, and the bill was passed, by  
the following vote:

**AYES**—Messrs. Banvard, Betge, Burnett, Comte, Conn, Curtis, Farley, Fowler, Green, Gwin, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Mandeville, McDougall, Minis, Morrill, O'Connor, Pendegast, Saunders and Wand—26.

**NOES**—Messrs. Murch, Orr, Tompkins, Turner and Tweed—5.

Assembly Bill No. 71—An Act amendatory of and supplementary to an Act entitled an Act to establish a paid Fire Department for the City and County of San Francisco.

Considered in Committee of the Whole and amended.

Mr. Green moved to amend by inserting "at the general election for the city and county officers, to be held in the City and County of San Francisco, the successors of the Fire Commissioners who have been appointed by the Board of Supervisors and the Board of Fire Underwriters, shall be elected at the election preceding the expiration of their terms of office, for the term of five years."

Lost.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate, and bill read a third time.

Upon the passage of the bill, the ayes and noes were demanded. Messrs. Green, Betge and Lewis, and the bill was passed, by the following vote:

**AYES**—Messrs. Betge, Burnett, Comte, Conn, Curtis, Farley, Fowler, Gwin, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Mandeville, McDougall, Minis, Morrill, O'Connor, Pendegast, Perkins, Saunders, Tompkins, Turner, Wand, Wilson and Wing—29.

**NOES**—Messrs. Chappell, Green, Murch, Orr, Roberts and Tweed—5.

Assembly Bill No. 126—An Act to authorize the Waucoma Water Company to construct aqueducts over certain lands herein named, to lay down water pipes in the public streets of the City of San Diego and the Town of South San Diego.

Amendments proposed by the delegation adopted.

Read a third time and passed.

[Mr. Mandeville in the chair.]

Mr. Roberts had his name recorded as voting against the passage of Senate Bills Nos. 269 and 270.

Mr. Maclay had his name recorded as voting for the passage of the bills.

[President in the chair.]

Assembly Bill No. 435—An Act amendatory of and supplementary to an Act, approved April twenty-fifth, eighteen hundred and sixty-three, entitled an Act to incorporate the City of Sacramento.

Mr. Curtis moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Curtis, Roberts and Minis, and the Senate refused, by the following vote:

**AYES**—Messrs. Chappell, Curtis, Murch, Orr, Pacheco, Perkins, Roberts, Tompkins, Turner, Tweed and Wing—11.

**NOES**—Messrs. Banvard, Betge, Burnett, Comte, Farley, Fowler, Gwin, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, O'Connor, Pendegast, Saunders, Wand and Wilson—25.

Mr. Curtis moved to amend section one by striking out "eighteen hundred and seventy-two," and insert in lieu thereof "eighteen hundred and seventy-one."

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Curtis, Mandeville and Murch, and the Senate assented, by the following vote:

**AYES**—Messrs. Burnett, Chappell, Curtis, Farley, Irwin, Morrill, Murch, Pacheco, Perkins, Roberts, Tompkins, Turner, Tweed, Wilson and Wing—16.

**NOES**—Messrs. Banvard, Betge, Comte, Fowler, Gwin, Hager, Hutchings, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, O'Connor, Pendegast, Saunders and Wand—20.

Mr. Curtis moved to amend section three by striking out the words "one thousand," and insert in lieu thereof the words "eighteen hundred."

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Curtis, Betge and Mandeville, and the Senate assented, by the following vote:

**AYES**—Messrs. Curtis, Murch, Orr, Pacheco, Perkins, Roberts, Tompkins, Turner, Tweed, Wilson and Wing—11.

**NOES**—Messrs. Betge, Burnett, Comte, Farley, Fowler, Gwin, Hager, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, O'Connor, Pendegast, Saunders and Wand—23.

The bill was read a third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Curtis, Murch and Mandeville, and the bill was passed, by the following vote:

**AYES**—Messrs. Banvard, Betge, Burnett, Comte, Farley, Fowler, Gwin, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, O'Connor, Pendegast, Saunders, Wand and Wilson—25.

**NOES**—Messrs. Chappell, Curtis, Murch, Orr, Pacheco, Perkins, Roberts, Tompkins, Turner, Tweed and Wing—11.

Senate Bill No. 464—An Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Mr. Minis moved to adjourn.

lost.

Upon the adoption of the amendment made in Committee of the Whole, the ayes and noes were demanded by Messrs. Curtis, Murch and Banvard, and the amendment was adopted, by the following vote:

**AYES**—Messrs. Banvard, Burnett, Chappell, Curtis, Green, Irwin, Larkin, O'Connor, Orr, Pacheco, Perkins, Roberts, Tompkins, Turner, Tweed, Wilson and Wing—17.

**NOES**—Messrs. Beach, Comte, Fowler, Gwin, Hunter, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Minis, Pendegast, Saunders and Wand—14.

Mr. Comte moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Curtis, Mandeville and Chappell, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Betge, Comte, Farley, Fowler, Gwin, Hager, Hunter, Kincaid, Larkin, Lawrence, Lewis, Mandeville, McDougall, Minis, Pendegast, Saunders and Wand—17.

**NOES**—Messrs. Banyard, Burnett, Chappell, Curtis, Green, Murdock, O'Connor, Orr, Pacheco, Perkins, Roberts, Tompkins, Turner, Tweed, Wilson and Wing—16.

On motion of Mr. Fowler, at four o'clock and forty-five minutes p. m. the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,  
Tuesday, March 1st, 1870. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called.

Quorum present.

Prayer by Rev. Mr. Grinell.

Journal of yesterday read and approved.

President in the chair.

#### PETITIONS.

By Mr. Betge—From citizens of the City of San Francisco, relative to the passage of a bill for the protection of fish.

Read and referred to the Special Committee on the Culture of Fish.

By Mr. Wilson—From citizens of Los Angeles, protesting against the passage of a bill for the division of said county.

Read and referred to the Committee on Counties and County Boundaries.

#### REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed substitute for Senate Bill No. 272—An Act regulating officers and offices in the County of El Dorado.

Also, Senate Bill No. 487—An Act to repeal an Act entitled an Act amendatory of and supplementary to an Act to prevent certain animals from running at large in Napa City, approved April seventeenth, eighteen hundred and sixty-three.

Also, Senate Bill No. 269—An Act to prevent the kidnapping and importation of Mongolian, Chinese and Japanese females, for criminal and demoralizing purposes.

Also, Senate Bill No. 270—An Act to prevent the importation of Chinese criminals, and to prevent the establishment of coolie slavery.

Also, Senate Bill No. 73—An Act to amend an Act entitled an Act more clearly to define the boundaries of Sacramento, Sutter and Placer Counties, approved March thirteenth, eighteen hundred and sixty-six.

O'CONNOR, Chairman.

Mr. Hutchings, from the Committee on Roads and Highways, made the following report:

MR. PRESIDENT: Your committee, to whom was referred Senate Bill No. 485—An Act concerning roads and highways in Sierra Township, County of Sierra—report favorable and recommend its passage.

HUTCHINGS, Chairman.

Mr. Hager, from the Judiciary Committee, made the following report:

MR. PRESIDENT: The Committee on Judiciary have had under consideration the following bills, and report back with amendments, Assembly Bill No. 243—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, and the several Acts amendatory thereof and supplemental thereto; and Assembly Bill No. 233—An Act to fix the terms of the County Court and Probate Court in the County of Monterey; and Assembly Bill No. 318—An Act supplemental to an Act entitled an Act to provide for the appointment of Notaries Public and defining their duties, approved April twenty-fifth, eighteen hundred and sixty-two; and Senate Bill No. 321—An Act to amend an Act entitled an Act amendatory of and supplementary to an Act in relation to personal mortgages in certain cases, passed May eleventh, eighteen hundred and fifty-three, etc., etc.; and Senate Bill No. 338—An Act to amend an Act entitled an Act to provide for the incorporation of mutual insurance companies, for the insurance of life and health and against accidents, approved April second, eighteen hundred and sixty-six, approved March thirtieth, eighteen hundred and sixty-eight—and recommend the adoption of the amendments and the passage of the several bills as amended.

Also, report back Senate Bill No. 97—An Act for the relief of Henry Kohn; also, Senate Bill No. 312—An Act to amend an Act entitled an Act to regulate the interest of money, approved March thirteenth, eighteen hundred and fifty, and the Act to amend the same, approved March thirtieth, eighteen hundred and sixty-eight; also, Senate Bill No. 339—An Act to amend an Act entitled an Act to amend an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one, passed March fifth, eighteen hundred and sixty-two—and recommend the indefinite postponement of each of said bills.

Also, report back without amendments, Assembly Bill No. 70—An Act

to authorize Assessors to complete duties imperfectly performed ; and Senate Bill No. 320—An Act for the relief of Mary Likens and others—and recommend the passage of said bills.

HAGER, Chairman.

Mr Fowler, from the Committee on Agriculture, made the following report:

Mr. PRESIDENT: Your Committee on Agriculture, to whom was referred Senate Bill No. 423—An Act to amend an Act entitled an Act for the protection of game, passed May fifteenth, eighteen hundred and fifty-four—report the same back and recommend the passage of the same as amended.

Also, Assembly Bill No. 121—An Act to amend an Act entitled an Act to protect sheep and lambs in this State—report the same back and recommend the passage of the same, with the following amendment to title of bill approved May eighteenth, eighteen hundred and sixty-one: Before the word "goats," insert "Angora or Cashmere."

Also, Assembly Bill No. 203—An Act to repeal an Act, etc., etc.—respectfully report the same back and recommend its passage.

Also, Assembly Bill No. 32—An Act to extend the provisions of an Act entitled an Act concerning hogs running at large in certain counties in this State, approved April twenty-first, eighteen hundred and sixty-five—report the same back without recommendation.

Also, Assembly Bill No. 107—An Act for the protection of deer in the County of San Mateo—respectfully report the same back without recommendation.

Also, Senate Bill No. 257—An Act to encourage the production and manufacture of sugar in California—have had the same under consideration and report it back without recommendation.

Also, Senate Bill No. 883—An Act to provide for the destruction of wolves and coyotes—report the same back and recommend its passage.

FOWLER, Chairman.

Mr. Betge, from the San Francisco delegation, presented the following majority report:

Mr. PRESIDENT: A majority of the San Francisco delegation, to whom was referred Senate Bill No. 85—An Act the better to secure the collection of license taxes in the City and County of San Francisco—having had the same under consideration, respectfully report the same back to the Senate and recommend its passage.

BETGE,  
WAND,  
KINCAID.

Mr. Saunders, from the San Francisco delegation, made the following report:

Mr. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 153—An Act relating to the Board of Education of the City and County of San Francisco and more particularly defining its powers and duties—having had the same under consideration, report back a substitute for the same to the Senate and recommend the passage of the substitute.

Also, Senate Bill No. 258—An Act to make, open and establish a public street in the City and County of San Francisco, to be called Montgomery Street South, and to take private lands therefor—having had the same under discussion, respectfully report the same back to the Senate without recommendation.

Also, Assembly Bill No. 20—An Act to provide for increasing the law library of the corporation known as the San Francisco Law Library, and to secure the use of the same to the Courts held at San Francisco, the bar, the city and county government and the people of the City and County of San Francisco—having duly considered the same, report the same back and recommend its passage.

Also, Assembly Bill No. 148—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco and upon the Auditor and Treasurer thereof—having duly considered the same, report the same back to the Senate and recommend its passage.

Also, Assembly Bill No. 262—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco and upon the Auditor and Treasurer thereof, and authorize certain appropriations by said Board—having duly considered the same, report the same back to the Senate and recommend its passage.

SAUNDERS, for Delegation.

Mr. Tompkins, from the Alameda delegation, made the following report :

Mr. PRESIDENT: The Alameda delegation, to whom was referred Senate Bill No. 476—An Act to prevent the destruction of fish and game in, upon and around the waters of Lake Merritt, in the County of Alameda—have had the same under consideration, and respectfully report that Lake Merritt has been formed from the San Antonio Creek, and is nearly all within the City of Oakland; that it was entirely the result of private enterprise, and is surrounded by the residences and property of the citizens by whom it has been constructed; that they unitedly desire that the fish in the lake and the birds and waterfowl upon and around it shall be protected from trespassers, who now invade their premises and expose them and their families to the danger arising from constant and careless shooting about the lake; and such request is reasonable and ought to be granted. The passage of the bill is therefore respectfully recommended.

TOMPKINS.

On motion of Mr. Tompkins, the rules were suspended for the consideration of Senate Bill No. 476, above reported.

The rules were further suspended, bill considered engrossed, read a third time and passed.

Mr. Green made the following report :

Mr. PRESIDENT: Your special committee, to whom was referred Assembly Bill No. 394—An Act to authorize the Board of Supervisors of Marin County to issue and sell bonds of said county and apply the proceeds thereof to the construction of wagon roads in said county—have

had the same under consideration and report the same back, and recommend its passage.

GREEN, for Delegation.

On motion of Mr. Green, the rules were suspended for the consideration of Assembly Bill No 394, above reported.

The rules were further suspended, bill considered engrossed, read a third time and passed.

Mr. Pendegast, from the Committee on Public Lands, made the following report:

Mr. PRESIDENT: The Committee on Public Lands having had under consideration Senate Bill No 271—An Act to amend an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight—report the same back with amendments, and recommend the adoption of the amendments and the passage of the bill as amended.

Also, Senate Bill No. 311—An Act to prevent the destruction of timber on the sixteenth and thirty-sixth sections, reserved for school purposes, and on Agricultural College lands—report the same back and recommend the passage of the bill.

Also, Senate Bill No. 402—An Act concerning the outside lands of the City and County of San Francisco—report the same back and recommend that it be referred to the San Francisco delegation.

PENDEGAST, Chairman.

The bill was referred to the San Francisco delegation, as recommended.

Mr. Pendegast, from the Napa delegation, verbally reported Assembly Bill No. 320, with the recommendation that the same do pass.

Mr. Curtis, from the Committee on Claims, made the following report:

Mr. PRESIDENT: Your Committee on Claims have had under consideration Senate Bill No. 358—An Act for the relief of Will. S. Green; also, Senate Bill No. 202—An Act to authorize the payment of the claim of Mrs. Eliza McLane, for supplies furnished the State Marine Hospital in eighteen hundred and fifty-three and eighteen hundred and fifty-four; also, Senate Bill No. 468—An Act for the relief of Charles Tupper—and report them back to the Senate, and respectfully recommend that they do not pass.

CURTIS, Chairman.

On motion of Mr. Lewis, the rules were suspended for the consideration of Senate Bill No. 358, above reported by the Committee on Claims.

Mr. Curtis moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs Curtis, Burnett and Conn, and the Senate refused, by the following vote:

AYES—Messrs. Burnett, Comte, Conly, Conn, Curtis, Fowler, Hager, Irwin, Kincaid, Larkin, McDougall, O'Connor, Perkins and Wilson—14.

NOES—Messrs. Banvard, Farley, Green, Gwin, Hunter, Hutchings, Lawrence, Lewis, Maclay, Mandeville, Minis, Morrill, Pendegast, Roberts, Saunders, Tompkins, Tweed, Wand and Wing—19.



On motion of Mr. Lewis, the rules were suspended, bill considered engrossed, read a third time and passed.

Mr. Morrill, from the Committee on Enrolment, made the following report:

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 69—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Also, Senate Bill No. 357—An Act to confirm the action of the Board of Trustees of the City of Vallejo, in relation to certain privileges granted to the Vallejo City Water Company.

Also, Senate Bill No. 235—An Act to amend an Act, approved March twenty-fourth, eighteen hundred and sixty-four, entitled an Act concerning Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 104—An Act to amend an Act entitled an Act to amend an Act supplementary to an Act entitled an Act to provide for a street railroad within the City and County of San Francisco, and other matters relating thereto, approved April twenty-first, eighteen hundred and sixty-three, the Act hereby amended having been approved March thirtieth, eighteen hundred and sixty-eight.

And on the twenty-sixth day of February, eighteen hundred and seventy, at one o'clock and ten minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. Minis had leave to introduce the following resolution:

*Resolved*, That the President be and he is hereby authorized to appoint four additional members of the Special Committee on Fees and Salaries.

Adopted.

In pursuance of the above resolution, the President appointed as the four additional members of said committee, Messrs. Lewis, Wand, Mandeville and Maclay.

#### GENERAL FILE.

Assembly Bill No. 15—An Act amendatory of and supplementary to an Act entitled an Act relative to the office of District Attorney of the County of Sacramento.

Mr. Comte offered a substitute for said bill, which was adopted.

The substitute was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

Assembly Bill No. 210—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco.

Considered in Committee of the Whole and amended.

## IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

Senate Bill No. 149—An Act concerning the Insane Asylum of the State of California.

Read a third time and passed.

Assembly Bill No. 252—An Act concerning roads and highways in San Bernardino County.

Read a third time and passed.

Assembly Bill No. 204—An Act to amend an Act, approved March twelfth, eighteen hundred and sixty-eight, entitled an Act to provide for the drainage of Sacramento, and of the land of Swamp Land District Number Two.

Read a third time and passed.

Substitute for Assembly Bill No. 81—An Act to confirm a certain order passed by the Board of Supervisors of the City and County of San Francisco, to authorize said Board to appropriate money for certain purposes.

Read a third time and passed.

Assembly Bill No. 109—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

Read a third time and passed.

Assembly Bill No. 338—An Act to provide for the erection of a jail in the County of Del Norte.

Read a third time and passed.

## SPECIAL ORDER.

The hour of one o'clock having arrived, Senate took up consideration of special order—reconsideration of contested election case of P. W. Murphy vs. R. Pacheco.

Mr. Hager offered the following substitute for the resolution reported by the Committee on Elections :

*Resolved*, That it is the sense of the Senate that neither R. Pacheco nor P. W. Murphy are entitled to a seat in this body as Senator from the senatorial district composed of the Counties of San Luis Obispo and Santa Barbara, and that the office be declared vacant.

Lost.

Mr. Lewis moved that the special order be continued until to-morrow, at eleven and a-half o'clock A. M.

Upon which the ayes and noes were demanded by Messrs. Roberts, Murch and Chappell, and the Senate refused, by the following vote :

**AYES**—Messrs. Betge, Comte, Fowler, Gwin, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Minis, Morrill, O'Connor, Pendegast and Wand—14.

**NOES**—Messrs. Banvard, Beach, Burnett, Chappell, Conly, Conn, Curtis, Farley, Green, Hager, Hunter, Hutchings, Irwin, Larkin, Maclay, Murch, Orr, Perkins, Roberts, Saunders, Tompkins, Turner, Tweed, Wilson and Wing—25.

Upon the adoption of the resolution reported by the Committee on Elections, the ayes and noes were demanded by Messrs. Lewis, Roberts and Mandeville, and the Senate refused, by the following vote :

**AYES**—Messrs. Betge, Burnett, Comte, Farley, Fowler, Gwin, Hunter, Hutchings, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, O'Connor, Pendegast and Wand—19.

**NOES**—Messrs. Banvard, Beach, Chappell, Conly, Conn, Curtis, Green, Hager, Irwin, Morrill, Murch, Orr, Perkins, Roberts, Saunders, Tompkins, Turner, Tweed, Wilson and Wing—20.

On motion of Mr. Pendegast, at two o'clock and forty minutes P. M., the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, March 2d, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITIONS.

By Mr. O'Connor—From citizens of Nevada County, against the passage of Senate Bill No. —, relative to issuing bonds for railroad purposes.

Reading dispensed with and petition referred to the Committee on Corporations.

By Mr. Saunders—From the Trustees of the State Library, relative to the passage of Senate Bill No. 443.

Read and referred to the Committee on State Library.

By Mr. Tweed—Petition from Mrs. L. E. Cole and thirty-one hundred others, relative to an amendment to the Constitution of this State granting to women the right of suffrage.

Mr. Lewis moved to refer the petition to the Committee on Federal Relations.

The hour of twelve o'clock having arrived, Mr. Tweed moved that the special order be temporarily suspended until the matter under consideration should be disposed of.

Lost.

## GENERAL FILE.

Senate Bill No. 252—An Act to protect litigants.

Substitute reported by the Committee on Printing adopted.

[President pro tem. in the chair.]

The substitute was considered in Committee of the Whole, and amended by exempting El Dorado County from the provisions of the bill.

On motion of Mr. Murch, the vote by which El Dorado County was exempted from the provisions of the bill was reconsidered, and the motion to exempt said county was lost.

#### IN SENATE.

Mr. Larkin moved to indefinitely postpone the bill

Upon which the ayes and noes were demanded by Messrs. Mandeville, Gwin and Lawrence, and the Senate refused, by the following vote:

**AYES**—Messrs. Beach, Chappell, Conly, Conn, Green, Hager, Larkin, Murch, O'Connor, Orr, Pacheco, Perkins, Roberts, Tompkins, Turner and Tweed—16.

**NOES**—Messrs. Betge, Burnett, Farley, Fowler, Gwin, Hunter, Hutchings, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Pendegast, Saunders and Wand—17.

[President in the chair.]

Upon ordering the bill engrossed, the ayes and noes were demanded by Messrs. Hager, Lewis and Mandeville, and the roll was called, with the following result:

**AYES**—Messrs. Betge, Burnett, Farley, Gwin, Hunter, Hutchings, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Pendegast, Saunders and Wand—16.

**NOES**—Messrs. Beach, Chappell, Conly, Conn, Green, Hager, Larkin, Murch, O'Connor, Orr, Pacheco, Perkins, Roberts, Tompkins, Turner and Tweed—16.

There being a tie vote, the President, in the exercise of his constitutional privilege, voted in the affirmative, and the bill was ordered engrossed.

Mr. Hunter gave notice that he would, on to-morrow, move to reconsider the vote by which Senate Bill No. 252 was ordered engrossed.

Assembly Bill No. 319—An Act to amend an Act to cede certain property to the Town of Crescent City.

Read a third time and passed.

Assembly Bill No. 151—An Act empowering the Board of Education of the City and County of San Francisco to pay the claim of William Craine.

Read a third time and passed.

Assembly Bill No. 76—An Act to incorporate the City of Gilroy.

Amendments reported by the Committee on Corporations adopted.

Bill read a third time and passed.

Assembly Bill No. 325—An Act amendatory of an Act entitled an Act to provide for establishing, maintaining and protecting public and private roads in the County of Contra Costa.

Read a third time and passed.

Assembly Bill No. 273—An Act to authorize the construction of a turnpike road from the Town of Truckee, in Nevada County, to the Hot Springs and State line at the northeasterly end of Lake Bigler, in the County of Placer.

Taken from the file and referred to the Nevada and Placer delegations.  
 Assembly Bill No. 140—Authorizing John N. Dudleston and his assigns  
 to construct and maintain a toll road in Mono County.

Passed on file.

Assembly Bill No. 77—An Act to encourage the destruction of squirrels and gophers in certain counties of this State, and to provide for a bounty for the same.

#### REPORT OF COMMITTEE ON CONFERENCE.

Mr PRESIDENT: The Committee on Conference, to whom was referred Assembly Bill No. 77—An Act to encourage the destruction of squirrels and gophers in certain counties in this State, and provide for a bounty for the same—have had the same under consideration, and agreed upon amendments, and report it back and recommend its passage as amended.

CAROTHERS, Chairman.

On motion of Mr. Wand, the report was adopted.

Senate Bill No. 79—An Act for the regulation of sailor boarding houses and of shipping houses in the City and County of San Francisco.

Amendments of Assembly adopted by the Senate.

Assembly Bill No. 91—An Act to incorporate the Town of San Juan.

Read a third time and passed.

Assembly Bill No. 73—An Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two.

Read a third time and passed.

On motion of Mr. Curtis, the rules were suspended for the consideration of Senate Bill No. 274—An Act concerning the office of County Recorder and ex officio Auditor of the County of Sacramento.

Substitute reported by committee adopted.

Rules suspended, bill considered engrossed, read a third time and passed, and transmitted to the Assembly.

#### SPECIAL ORDER.

The hour of two o'clock having arrived, Senate took up consideration of special order—Governor's message vetoing Senate Bill No. 7—An Act to provide and pay for certain services rendered for the City and County of San Francisco.

Upon the question, "Shall the bill become a law, notwithstanding the objection of the Governor?" the roll was called, with the following result:

**AYES**—Messrs. Banvard, Beach, Betge, Chappell, Comte, Conly, Curtis, Green, Gwin, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, McDougall, Minis, Morrill, Murch, Orr, Pacheco, Pendegast, Roberts, Turner, Wand and Wing—28.

**NOES**—Messrs. Burnett, Conn, Farley, Fowler, Hager, Mandeville, O'Connor, Perkins, Saunders, Tompkins, Tweed and Wilson—12.

#### PETITIONS.

Senate resumed consideration of the motion to refer petition presented by Mr. Tweed to the Committee on Federal Relations.

Mr. Lewis had leave to withdraw the motion to refer the petition to the Committee on Federal Relations.

[Mr. Mandeville in the chair.]

Mr. Tweed moved to refer the petition to a special committee of five. Adopted.

By Mr. Burnett—From citizens of Petaluma, for the passage of a bill enabling the Board of Trustees of said city to lease the plaza in said city.

Referred to the Committee on Corporations.

#### REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 477—An Act to provide for redeeming and paying the warrants outstanding against Tuolumne County, and for paying the current expenses of said county in cash, and defining and limiting the powers and duties of certain officers in relation thereto.

Also, Assembly substitute for Senate Bill No. 420—An Act to provide for the assessment and collection of taxes in the County of Placer.

Also, Senate Bill No. 358—An Act for the relief of Will. S. Green.

Also, Senate Bill No. 66—An Act to provide for the welfare and increase the efficiency of the California Institution for the Deaf and Dumb and the Blind.

O'CONNOR, Chairman.

Mr. Hager offered the following resolution :

*Resolved* by the Senate, That Assembly Bill No. 88—An Act to amend an Act to regulate proceedings in civil cases in Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one—be returned to the Assembly, and that the Assembly be respectfully requested to have the bill engrossed as it passed that body, with such amendments as were adopted, the amendments attached to the bill not being verified by any officer.

Mr. Hager, from the Judiciary Committee, made the following report :

Mr. PRESIDENT: The Committee on Judiciary have had under consideration the following bills, and report back Senate Bill No. 128—An Act to legalize and confirm certain grants and sales of town lands by the Board of Trustees of the Town of Santa Barbara and by the Mayor and Common Council of the City of Santa Barbara, made since the passage of the Act of May, eighteen hundred and sixty-one—with amendments, and recommend the adoption of the amendments and the passage of the bill as amended.

Also, Senate Bill No. 292—An Act in relation to the duties of dealers in second hand merchandise—with substitute therefor, and recommend the adoption of the substitute and the passage of the same.

HAGER, Chairman.

Mr. Saunders, from the Committee on Corporations, made the following report :

Mr. PRESIDENT: The Committee on Corporations, to whom was referred Senate Bill No. 287—An Act to provide funds for the School Department of the City of Oakland—have had the same under consideration and report it back with the following amendments, and as amended recommend that it be passed: Amend by striking out all of section four; also, strike out the words "or hypothecation" in lines one and two of section six; in line twenty, section seven, insert after the word "school," the words "or other sinking or interest."

The committee have also considered Senate Bill No. 332—An Act to provide for paying certain claims against the City of Oakland and to contract a funded debt for that purpose—report the same back with amendments, and as amended recommend that it be passed: In section one, line eight, strike out the words "one hundred" and insert in lieu thereof the word "seventy;" amend section two by adding at the end thereof the words "or such intermediate sums as the Council may direct;" amend section ten by striking out all after the word "dollars" in line eleven, page eight, to the end of the section

Also, Assembly Bill No. 211—An Act amendatory and supplemental to an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three, and the Acts amendatory thereof and supplemental thereto—report the same back with the recommendation that it be passed.

Also, Senate Bill No. 329—An Act to authorize the construction of a railroad from the Town of Santa Clara to the City of San José in the County of Santa Clara—report the same back and recommend its passage, with the following amendments: After the name "Keith" in line thirteen, page one, section one, add the names "Daniel Murphy, William T. Dougherty, W. K. Bethell, E. T. Reed;" after the name "Keith" in line four, page two, section one, insert the names "Daniel Murphy, William T. Dougherty, W. K. Bethell, E. T. Reed;" in line three, section eight, strike out the word "thirty" and insert the word "twenty;" in line six, section eight, strike out the word "three" and insert the word "one;" in line eight, section eight, strike out the word "two" and insert the word "three."

Also, Senate Bill No. 96—An Act to donate to the Society of California Pioneers the use and occupation of a certain piece of land in the City and County of San Francisco—report the same back with the recommendation that it be indefinitely postponed.

Also, Senate Bill No. 328—An Act to empower the City of Stockton to aid in the construction of the Stockton and Visalia Railroad—report the same back with a substitute, and recommend that the substitute be passed.

SAUNDERS, Chairman.

Mr. Gwin presented the following minority report from the Committee on Mines and Mining Interests :

Mr. PRESIDENT: The undersigned, a minority of your Committee on Mines and Mining Interests, to whom was referred Senate Bill No. 80—An Act to develop home industry and encourage and promote iron

mining and manufactures in California—respectfully report that, in the opinion of the minority, the above entitled bill should not be indefinitely postponed, but rather that said bill, as amended, should be passed, for these reasons: That the aid sought for in the bill is clearly within the province of the Legislature to grant, and that it is the legitimate function of civilized and enlightened Governments to foster and encourage home industries and manufactures; and that in view of the present condition of our industrial pursuits, it becomes our duty to extend State aid to all enterprises by which we, as a people and a State, may be rendered less dependent on foreign industry and manufactures.

GWIN,  
MANDEVILLE,  
CONLY.

Mr. Larkin gave notice that the majority of the Committee on Mines and Mining Interests would, on to-morrow, make a report upon Senate Bill No. 80.

Mr. Curtis, from the Committee on Claims, made the following report:

Mr. PRESIDENT: The Committee on Claims have had under consideration Senate Bill No. 197—An Act to appropriate money for the salary of the Assistant Adjutant-General of the State for the twentieth and twenty-first fiscal years; also, Senate Bill No. 81—An Act to provide for the payment of services heretofore rendered the State; also, Senate Bill No. 325—An Act to provide for the payment of certain witnesses in the case of the people of the State of California vs. Horace Smith—and report them back to the Senate, and respectfully recommend that they do not pass.

CURTIS, Chairman.

Mr. Curtis also verbally reported Assembly Bill No. 51, and recommended its passage.

Mr. Lawrence verbally reported Assembly Bill No. 115, with the recommendation that the same be transmitted to the Assembly for the correction of a clerical error.

Mr. Morrill, from the Committee on Enrolment, made the following reports:

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 126—An Act to ratify and confirm a certain conveyance made by the Board of Education of the City and County of San Francisco.

Also, Senate Bill No. 242—An Act to transfer certain funds to the Common School Fund of the County of Butte.

Also, Senate Bill No. 263—An Act to confirm a certain ordinance and contract relating to lighting the streets of the City of Oakland.

Also, Senate Bill No. 142—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Also, Senate Concurrent Resolution No. 29—Relative to granting leave of absence to J. W. Bost.

Also, Senate Bill No. 239—An Act granting certain privileges to the North Beach and Mission Railroad Company.

Also, Senate Bill No. 216—An Act to repeal an Act entitled an Act



supplementary to the Act entitled an Act concerning crimes and punishments, approved April first, eighteen hundred and sixty-four.

Also, Senate Bill No. 165—An Act in relation to the Omnibus Railroad Company in the City and County of San Francisco.

Also, Senate Bill No. 44—An Act relating to certificates of incorporation.

And this day, at twelve o'clock and fifteen minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 116—An Act to fix and regulate the salaries of the Auditor's Clerk and the Deputy Treasurers of the City and County of San Francisco.

Also, Senate Bill No. 324—An Act to authorize the Board of Supervisors of Santa Barbara County to pay the claims of Assa Porter and Augustine Janasens.

Also, substitute for Senate Bill No. 146—An Act to divide the City of Oakland into wards, and to provide for the holding of elections therein.

Also, Senate Bill No. 249—An Act for the relief of Gordon E. Sloss.

Also, Assembly substitute for Senate Bill No. 420—An Act to provide for the assessment and collection of taxes in the County of Placer.

Also, substitute for Senate Bill No. 154—An Act authorizing Hiram Tubbs and others to construct and operate a street railroad in the County of Alameda.

And this day, at two o'clock and forty-five minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 333—An Act to authorize the Board of Supervisors of Plumas County to build certain wagon roads in said county.

Also, Senate Bill No. 356—An Act to provide military instruction in the University of California, and to authorize the Governor to call into service the retired officers of University Cadets in case of war or insurrection.

Also, Senate Bill No. 41—An Act to amend section one of an Act entitled an Act to authorize the issue of bonds by the County of Santa Clara to complete the Court-house of said county, and to erect a county jail

Also, Senate Bill No. 180—An Act for the relief of S. D. Smith.

Also, Senate Concurrent Resolution No. 18.

Also, Senate Bill No. 166—An Act to confer additional powers upon the Board of Supervisors and the Auditor and Treasurer of the City and County of San Francisco.

And this day, at ten o'clock and forty-five minutes A. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

On motion of Mr. Tweed, the petition presented in relation to woman suffrage was ordered printed.

Mr. Roberts presented the following majority report from the Committee on Mines and Mining Interests:

**Mr. PRESIDENT:** The majority of your Committee on Mines and Mining Interests, to whom was referred Senate Bill No. 80—An Act to develop home industries and encourage and promote iron mining and manufactures in California—report the same back and recommend that the bill be indefinitely postponed.

IRWIN,  
HUTCHINGS,  
ROBERTS,  
LARKIN.

**Mr. Conn** had leave to introduce the following resolution :

*Resolved*, That the Committee on Counties and County Boundaries be authorized to procure a suitable room in which to hold their sessions; which room shall also be used by the Committee on State and County Revenue, when they may desire so to do; and that the expenses of said room shall be paid for out of the Contingent Fund of the Senate.

Adopted.

**Mr. Minis** made the following report :

**Mr. PRESIDENT:** Your Special Committee on Fees and Salaries, to whom was referred substitute for Assembly Bill No. 245 and Senate Bill No. 381, have had the same under consideration, and recommend the passage of the same with amendments.

MANDEVILLE,  
LEWIS,  
WILSON,  
HUTCHINGS,  
MINIS,  
MACLAY,  
WAND.

**Mr. Lewis** moved to suspend the rules and place the bill on the top of file for to-morrow.

Upon which the ayes and noes were demanded by Messrs. Fowler. O'Connor and Conn, and the Senate refused, by the following vote :

**AYES**—Messrs. Betge, Burnett, Comte, Farley, Fowler, Green, Hunter. Hutchings, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, O'Connor, Pendegast, Saunders, Turner, Wand. Wilson and Wing—24.

**NOES**—Messrs. Beach, Chappell, Conly, Conn, Curtis, Hager, Irwin. Murch, Orr, Perkins, Roberts, Tompkins and Tweed—13.

On motion of **Mr. Hager**, the bill was ordered on the file for to-morrow, at the head of the engrossed bills.

**Mr. Morrill** had leave to introduce the following resolution :

*Resolved* by the Senate, the Assembly concurring, That the State Printer be authorized to furnish, for distribution, five thousand copies of the biennial report of the Surveyor-General for the years eighteen hundred and sixty-eight and eighteen hundred and sixty-nine.

Adopted.

Mr. Hager verbally reported Senate Bill No. 38, with amendments, and recommended the passage of the bill as amended.

Mr. Minis verbally reported Assembly Bill No. 292, and recommended the passage of the same.

Mr. Larkin, from the Committee on Corporations, made the following report :

Mr. PRESIDENT : The undersigned, from the Committee on Corporations, report a substitute for Senate Bill No. 280, and recommend its adoption and passage.

The California Pacific Railroad Company have constructed a bridge across the Sacramento, at or near the foot of G street, and have, with the track of their road, crossed the track of the Central Pacific Railroad on First street, and thence will extend their track to where Second street intersects H street, to their own land.

Public convenience alone would preclude all ideas of preventing the entrance of the Vallejo road into this city, and we are well satisfied that the point of entrance is the very best that could have been selected.

In framing this substitute, we have endeavored to avoid all objections that have been urged against the original bill, and have not, in any manner, interfered with any rights that the Counties of Yolo or Sacramento have in the bridge, as a wagon road bridge.

SAUNDERS,  
LARKIN.

Mr. Saunders, from the San Francisco delegation, made the following report :

Mr. PRESIDENT : The San Francisco delegation, to whom was referred Senate Bill No. 446—An Act to reorganize the Board of Supervisors for the City and County of San Francisco—having duly considered the same, report the same back to the Senate with the following amendments : In line three of section one, page one, strike out the word "eighteen," and insert instead thereof the word "twelve." In line five of section three, page two, strike out the word "nine," and insert in lieu thereof the word "six;" in line six of same section and page, strike out the word "nine," and insert in lieu thereof the word "six," and in line nine of same section and page, strike out the word "nine," and insert in lieu thereof the word "six." In line six of section six, after the word "the," insert the words "election of the," and recommend the passage of the bill as amended.

SAUNDERS,  
WAND,  
KINCAID,  
HAGER.

Mr. O'Connor, from the Nevada delegation, made the following report :

Mr. PRESIDENT : The Nevada delegation, to whom was referred substitute for Assembly Bill No. 283, have had the same under consideration, and recommend the passage of the bill.

O'CONNOR, for Delegation.

The rules were suspended and Assembly Bill No. 283, above reported, considered engrossed, read a third time and passed.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 2d, 1870.

*To the Senate of the State of California :*

I herewith return to your honorable body, without approval, Senate Bill No. 135—An Act to authorize Morris Wolff, Lewis Jacobs and John Ruffin, and their assigns, owners of an artesian well in the Town of San Bernardino, to lay down water pipes in the public streets of said town.

This bill is wholly unnecessary, as an examination of the statute relating to water companies (1st volume of Hittell's Digest, Art. 964) will show that the whole subject is fully covered by the general law.

H. H. HAIGHT,  
Governor.

On motion of Mr. Roberts, the message vetoing Senate Bill No. 135 was made the special order for to-morrow, at twelve o'clock M.

## MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 2d, 1870.

*To the Senate of the State of California :*

I herewith transmit to your honorable body the report of the Engineers appointed under an Act of the present session, to examine the harbor of Santa Cruz and Salinas Slough, in the Bay of Monterey, for the purpose of ascertaining whether the same or either of them can be made suitable as a harbor of refuge, and whether the same or either of them can, by artificial means, be improved.

As there is but one copy of this report, I respectfully request that the Assembly be informed of its receipt.

H. H. HAIGHT,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 2d, 1870.

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate Bill No. 341—An Act supplemental to an Act to regulate the care and maintenance of the indigent sick in and for Yuba County, approved April eighteenth, eighteen hundred and sixty.

Also, Senate Bill No. 242—An Act to transfer certain funds to the Common School Fund of the County of Butte.

Also, Senate Bill No. 69—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Also, Senate Bill No. 44—An Act relating to certificates of incorporation.

Also, Senate Bill No. 112—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Also, Senate Bill No. 67—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of the County of San Joaquin to issue certain bonds, and to provide for the payment of the principal and the interest thereon, approved April eighth, eighteen hundred and sixty-two.

Also, Senate Bill No. 126—An Act to ratify and confirm a certain conveyance made by the Board of Education of the City and County of San Francisco.

H. H. HAIGHT,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 2d, 1870.

*To the Senate of the State of California :*

I have to inform your honorable body that I have appointed Dr. E. T. Wilkins, Commissioner, under the provisions of an Act entitled an Act to provide for the appointment of a Commissioner to visit the Eastern insane asylums, and to define his powers and duties, approved February eighteenth, eighteen hundred and seventy, and respectfully ask your honorable body to confirm the same.

H. H. HAIGHT,  
Governor.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
March 2d, 1870.

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in Senate amendments to Assembly Bills Nos. 15 and 210.

And, on the twenty-eighth ultimo, passed Assembly Bill No. 263—An Act for the relief of certain settlers on outside lands in the City and County of San Francisco.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 263, above reported, read first and second times and referred to the San Francisco delegation.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
March 2d, 1870.

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the fourth day of February, passed Assembly Bill No.

187—An Act concerning the office of the County Clerk of the City and County of San Francisco.

And, on the twenty-first day of February, passed Assembly Bill No. 242—An Act to reincorporate the City of Monterey.

And, on the twenty-fifth ultimo, passed Assembly Bill No. 209—An Act to authorize the Auditor of Butte County to issue a warrant to W. L. Reese.

And, on the twenty-sixth ultimo, passed Assembly Bill No. 461—An Act concerning Justices of the Peace in the City of Stockton.

Also, Assembly Bill No. 346—An Act to grant further powers to the Board of Trustees of the City of San Diego, and establish the boundaries of said city.

Also, Assembly Bill No. 454—An Act concerning the office of Tax Collector in the Counties of Contra Costa and Santa Cruz.

Also, Assembly Bill No. 421—An Act in relation to the office of Court Commissioner in the County of San Joaquin.

Also, Assembly Bill No. 289—An Act to create the County of Anaheim, to define its boundaries and to provide for its organization and financial affairs.

And, on the twenty-eighth ultimo, concurred in Senate amendments to Assembly Bill No. 71.

And passed Assembly Bill No. 358—An Act authorizing the Mayor and Common Council of the City of Marysville to close up Virgin Alley, between Seventh and Eighth streets.

Also, Assembly Bill No. 475—An Act to fix the fees of witnesses in criminal actions in San Bernardino County.

Also, Assembly Bill No. 474—An Act to further define the powers and duties of the Sheriff of San Francisco City and County.

And, on yesterday, passed Senate Bill No. 66—An Act to provide for the welfare and to increase the efficiency of the California Institution for the Deaf, Dumb and Blind.

And, on the twenty-sixth ultimo, passed Senate Bill No. 228—An Act to authorize and require the County of Santa Cruz to pay over certain moneys to certain school districts in San Mateo County.

And, on yesterday, passed Assembly Bill No. 429—An Act granting a street railroad franchise in the City and County of Sacramento.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
February 28th, 1870. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-sixth instant, adopted Assembly Concurrent Resolution No. 38—Requesting his Excellency the Governor to take steps towards forwarding a certain silken flag to the National Capitol.

And, on this day, passed Senate Bill No. 249—An Act for the relief of Gordon E. Sloss.

And also adopted Assembly Concurrent Resolution No. 40—Authorizing the appointment of a joint committee to draw up a bill to prevent Chinese immigration.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 1st, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Assembly Bill No. 154—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and proceedings had thereunder.

Also, passed substitute for Senate Bill No. 146—An Act to divide the City of Oakland into wards, and to provide for the holding of elections therein.

Also, Senate Bill No. 411—An Act for the relief of Henry N. Morse, Sheriff of Alameda County.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 429, above reported, read first and second times and referred to the Sacramento delegation.

Senate Bill No. 187, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 474, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 154, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 242, above reported, read first and second times and referred to the Monterey delegation.

Assembly Bill No. 209, above reported, read first and second times and referred to the Finance Committee.

Assembly Bill No. 461, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 346, above reported, read first and second times and referred to the San Diego delegation.

Assembly Bill No. 454, above reported, read first and second times and referred to the Contra Costa delegation.

Assembly Bill No. 421, above reported, read first and second times and referred to the San Joaquin delegation.

Assembly Bill No. 289, above reported, read first and second times and referred to the Committee on Counties and County Boundaries.

Assembly Bill No. 358, above reported, read first and second times and referred to the Yuba delegation.

Assembly Bill No. 475, above reported, read first and second times and referred to the San Bernardino delegation.

Assembly Concurrent Resolution No. 40, above reported, adopted.

Assembly Concurrent Resolution No. 38, above reported, amended and adopted.

Senate Bill No. 228, above reported, with amendments, referred to the Committee on Claims.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Fowler—An Act to provide for the construction of a wagon and turnpike road from Watson's Ferry to the Yosemite Valley.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Perkins—An Act to authorize Samuel M. Sproul, George F. Jones, Charles L. Stilson and James A. Clark to construct and maintain water works in the Town of Chico.

Read first and second times and referred to the Committee on Corporations.

By Mr. Hager—An Act to authorize the sale and conveyance to H. A. Cobb, John A. Turney, J. M. McNulty, Joseph Austin and Thomas N. Cazneau of certain swamp and marsh, tide and submerged lands belonging to the State of California.

Read first and second times and referred to Committee on Swamp and Overflowed Lands.

Also, an Act to provide for executing writs of restitution in actions for the recovery of real property.

Read first and second times and referred to the Judiciary Committee.

Also, an Act to establish and regulate the Hospital Department of the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Conn—An Act to provide for the erection of a jail in the County of San Diego.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Saunders—An Act to provide for the payment of certain Controller's warrants drawn on the State Treasurer.

Read first and second times and referred to the Finance Committee.

By Mr. Wand—An Act for the relief and support of the Mechanics' Labor Exchange of California.

Read first and second times and referred to the Finance Committee.

By Mr. O'Connor—An Act to provide for the payment of fees to witnesses in criminal cases in the County of Nevada.

Read first and second times and referred to the Nevada delegation.

By Mr. Minis—An Act to amend an Act entitled an Act to authorize Eben Hilton, Isaac Hobbs, Martin J. Wright and others, to build a wharf in Solano County, approved April second, eighteen hundred and sixty-six.

By Mr. Comte—An Act for the relief of Mrs. M. Binninger.

Read first and second times and referred to the Committee on Claims.

By Mr. Curtis—An Act relative to the care and management of the State Burial Ground and making an annual appropriation therefor.

Read first and second times and referred to the Committee on Public Expenditures.

By Mr. Pendegast—An Act to dispose of certain salt marsh and tide lands in the Counties of Marin and San Francisco.

Read first and second times and referred to the Committee on Commerce and Navigation.

#### RESOLUTION.

By Mr. Comte:

*Resolved*, That E. F. Boyle be and he is hereby authorized and directed to write up the Appendix of the eighteenth session of the Legislature, at twelve and one-half cents (12½) per folio; *provided*, said E. F. Boyle gives a bond for the faithful performance of his duties, the said bond to



be accepted and approved by the Secretary of State and Attorney-General.

Read and referred to the Committee on Contingent Expenses.

At four o'clock P. M., on motion of Mr. Conly, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

### IN SENATE.

SENATE CHAMBER,  
Thursday, March 3d, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Rev. O. P. Fitzgerald.

Journal of yesterday read and approved.

The President announced the appointment of the following Special Committee on Female Suffrage: Messrs. Tweed, Lawrence, Banvard, Fowler and MacLay.

### PETITION.

From the citizens of San Francisco, relative to the passage of a bill for the encouragement of the manufacture of iron and steel.

Read and laid on the table.

### REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 476—An Act to prevent the destruction of fish and game in, upon and around the waters of Lake Merritt or Peralta, in the County of Alameda.

O'CONNOR, Chairman.

Mr. Banvard, from the Committee on Finance, made the following report:

MR. PRESIDENT: Your Committee on Finance have had under consideration Senate Bill No. 414—An Act to appropriate money for the payment of certain unpaid interest coupons issued by authority of the Legislature of this State—and recommend that it do not pass.

Also, Senate Bill No. 386—An Act to provide for the payment of cer-

tain county bonds issued by the County of Calaveras—and recommend that it do not pass.

Also, Senate Bill No. 408—An Act making an appropriation for translating into Spanish the several State documents ordered during the present session of the Legislature—and recommend its passage.

Also, Senate Bill No. 451—An Act authorizing the Controller of State to employ an additional Clerk—and recommend its passage.

Also, Senate Bill No. 488—An Act to amend an Act entitled an Act to amend section eighty-two of an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three—and recommend its passage.

BANVARD, Chairman.

Mr. Hager, from the Judiciary Committee, made the following report:

Mr. PRESIDENT: The Committee on Judiciary have had under consideration the following bills, and report back Assembly Bill No. 215—An Act to legalize certain conveyances made by Gretta C. Thompson—without amendment, and recommend its passage.

Also, Senate Bill No. 306—An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three—without amendment, and recommend its passage.

Also, Senate Bill No. 343—An Act to provide for the recording of certified copies of final decrees of partition of real estate—without amendment, and recommend its passage.

Also, Senate Bill No. 371—An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty—without amendment, and recommend its passage.

Also, Senate Bill No. 315—An Act to amend an Act entitled an Act defining the rights of husband and wife, passed April seventeenth, eighteen hundred and fifty, amended May twelfth, eighteen hundred and sixty-two—with amendments and recommend the passage of the bill as amended.

Also, Senate Bill No. 110—An Act to authorize a steam ferry to ply between South Vallejo, the City of Vallejo and Mare Island; also, Assembly Bill No. 156—An Act to authorize the construction and maintenance of a wagon road between Indian Valley and Sierra Valley, in the County of Plumas—and report the same back, and a majority of the committee recommend, that as the legislation sought to be obtained by the said bills is already provided for by general law, that the same do not pass.

HAGER, Chairman

Mr. Saunders verbally reported Senate Bill No. 296, with the recommendation that the same do pass.

Mr. Maclay verbally reported Senate Bill No. 425, with the recommendation that the same do pass.

Mr. Kincaid presented a majority report from the Committee on Corporations, on Senate Bill No. 230.

Reading dispensed with and report ordered printed.

[For report, see Appendix.]

Mr. McDougall, for the Monterey delegation, made the following report:

**Mr. PRESIDENT:** The Monterey delegation, to whom was referred Assembly Bill No. 242—An Act to reincorporate the City of Monterey—have had the same under consideration and now report it back with a recommendation that it do not pass.

McDOUGALL, for Delegation.

**Mr. Conn,** for the San Diego delegation, made the following report :

**Mr. PRESIDENT:** The delegation from San Diego, to whom was referred Assembly Bill No. 346—An Act to grant further powers to the Board of Trustees of the City of San Diego, and to establish the boundaries of the said city—have duly considered the bill and report the same back, with a recommendation that the bill should become a law as soon as possible.

CONN, for Delegation.

On motion of Mr. Conn, the rules were suspended for the consideration of Assembly Bill No. 346, above reported.

The rules were further suspended, bill considered engrossed, read a third time and passed.

**Mr. O'Connor,** for the Nevada delegation, made the following report :

**Mr. PRESIDENT:** The Nevada delegation have had under consideration Senate Bill No. 497, and report the same back and recommend its passage.

O'CONNOR, for Delegation.

Rules suspended and bill placed on filed.

**Mr. Beach,** from the Yuba delegation, verbally reported Assembly Bill No. 358, with the recommendation that the same do pass.

The rules were suspended, bill considered engrossed, read a third time and passed.

**Mr. Orr,** for the San Joaquin delegation, made the following report :

**Mr. PRESIDENT:** The San Joaquin delegation, to whom was referred Assembly Bill No. 421—An Act in relation to the office of Court Commissioner of the County of San Joaquin—report the same back and recommend its passage.

ORR, for Delegation.

Rules suspended and bill placed on file.

**Mr. Saunders** presented the following report :

**Mr. PRESIDENT:** The delegation, to whom was referred Senate Bill No. 240—An Act to empower the City and County of San Francisco and the Counties of Monterey and San Luis Obispo to aid in the construction of the Southern Pacific Railroad—have had the same under consideration, and beg leave to report the same back, with an amendment, and recommend its passage as amended.

SAUNDERS,  
KINCAID,  
McDOUGALL,  
PACHECO,  
BETGE,  
WAND.

On motion of Mr. Wand, the bill above reported was ordered to be placed number twenty-seven on the file.

Mr. Saunders, for the San Francisco delegation, made the following report :

MR. PRESIDENT : The San Francisco delegation, to whom was referred Assembly Bill No. 3—An Act to authorize a railroad to be laid down in certain of the streets of the City and County of San Francisco for grading purposes—having duly considered the same, beg leave to report the same back to the Senate with the following amendments, to wit : In line seven of section one, page one, strike out from and including the word "or," down to and including the word "one," in line eight of same section, and insert the word "is." At the end of section one, after the word "Supervisors," on page three, line five, insert "and further *provided*, that nothing herein shall be construed as giving said company exclusive rights for the purposes aforesaid, or as impairing the right of the Legislature or any competent authority to grant similar rights to others." Strike out the whole of section four. And recommend the adoption of the amendments and the passage of the bill as amended.

SAUNDERS, for Delegation.

The rules were suspended and Assembly Bill No. 3, above reported, was placed on file.

Mr. Saunders verbally reported Senate Bill No. 453, and recommended the passage of the same.

The message from the Governor, appointing Dr. E. T. Wilkins as Commissioner to visit the Eastern insane asylums, was taken up.

Upon the question, "Will the Senate advise and consent to the appointment of Dr. E. T. Wilkins as Commissioner to visit the Eastern insane asylums?" the roll was called, with the following result :

AYES—Messrs. Banvard, Beach, Betge, Burnett, Comte, Conly, Conn, Curtis, Fowler, Green, Gwin, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, O'Connor, Orr, Pacheco, Pendegast, Perkins, Saunders, Tompkins, Turner, Tweed, Wand, Wilson and Wing—36.

NOES—None.

[Mr. Pendegast in the chair.]

Assembly Bill No. 32—An Act to extend the provisions of an Act entitled an Act concerning hogs running at large in certain counties.

Indefinitely postponed.

Assembly Bill No. 121—An Act to amend an Act entitled an Act to protect sheep and lambs in this State.

Amendments of committee adopted.

Bill read a third time and passed.

Senate Bill No. 255—An Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island, Vallejo and Benicia.

Mr. Roberts moved to refer the bill to a special committee, to consist of Senator Wand, with special instructions.

Upon which the ayes and noes were demanded by Messrs. Roberts, Kincaid and Betge, and the Senate refused, by the following vote :

AYES—Messrs. Beach, Betge, Burnett, Chappell, Conly, Green, Hutch-

ings, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murch, Pacheco, Pendegast and Roberts—16.

**Notes**—Messrs. Banvard, Comte, Conn, Curtis, Farley, Fowler, Gwin, Hager, Hunter, Irwin, Larkin, Lewis, Mandeville, Minis, O'Connor, Orr, Perkins, Saunders, Tompkins, Turner. Tweed, Wand and Wing—23.

The bill was then read a third time and passed.

**Assembly Bill No. 153**—An Act relating to the Board of Education of the City and County of San Francisco, and more particularly defining its powers and duties.

Substitute reported by committee adopted.

Read a third time and passed.

**Assembly Bill No. 328**—An Act to provide for the building of a bridge across Putah Creek, in Napa County.

Rule requiring the bill to be referred to a standing committee suspended, bill read a third time and passed.

**Assembly Bill No. 20**—An Act to provide for increasing the law library of the corporation known as the San Francisco Law Library.

Rules suspended, bill read a third time and passed.

**Assembly Bill No. 148**—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

Rules suspended, bill read a third time and passed.

**Assembly Bill No. 262**—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco.

Rules suspended, bill read a third time and passed.

On motion of Mr. Morrill, the rules were suspended, and Assembly Bill No. 479, reported from the Assembly, was taken up, read first and second times and referred to the Calaveras delegation.

**Assembly Bill No. 70**—An Act to authorize Assessors to complete duties imperfectly performed.

Read a third time and passed.

**Assembly Bill No. 233**—An Act to fix the terms of the County Court and Probate Court of the County of Monterey.

Amendments of committee adopted.

Read a third time and passed.

Mr. Hager moved to suspend the rules and take up Senate Bill No. 217.

Lost

**Assembly Bill No. 203**—An Act to repeal section eighteen of an Act to establish and maintain public pounds for the better securing of estrays and other stock in the County of Alameda.

Passed on file.

**Assembly Bill No. 107**—An Act for the protection of deer in San Mateo County.

Mr. Betge moved to indefinitely postpone the bill.

Lost.

The bill was read a third time and passed.

**Assembly Bill No. 243**—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State.

Amendments reported by the Judiciary Committee adopted.

Read a third time and passed, and amendment to title adopted.

**Assembly Bill No. 292**—An Act to authorize the Trustees of the City of Benicia to refund the debt of said city.

Read a third time and passed.

[President pro tem. in the chair.]

Assembly Bill No. 211—An Act amendatory of an Act to provide for the formation of corporations for certain purposes.

Read a third time and passed.

Assembly Bill No. 51—An Act for the relief of the San Francisco Cadets.

Read a third time and passed.

Assembly Bill No. 140—An Act authorizing John W. Dudleston and his assigns to construct and maintain a toll road in Mono County.

Indefinitely postponed.

On motion of Mr. Wand, Senate Bill No. 446 was taken from the file and referred to the San Francisco delegation.

On motion of Mr. Orr, substitute for Senate Bill No. 328 was ordered printed.

Mr. Saunders had leave to make the following report :

MR. PRESIDENT: Your Committee on Corporations, to whom was referred Senate Bill No. 256, would respectfully report the same back with the following amendment, and recommend its passage: Amend by striking out section three and insert the following:

Section 3. The San José and Santa Clara Railroad Company are hereby authorized to run their cars over their roadway, from the intersection of Franklin and Grant streets, in the Town of Santa Clara, along the line of the Alameda road, to the city limits of the City of San José, to be propelled by horses, mules or what are known as steam dummy engines, for the term of one year from the time that they may put such engine or engines in operation. At the end of the above named period of one year, the Board of Supervisors of Santa Clara County may, at their discretion, require the said company to desist from the use of said engines, if in their opinion it is detrimental to the public interests.

SAUNDERS, Chairman.

On motion of Mr. Larkin, Senate Bill No. 191 was taken from the file and recommitted to the Finance Committee.

Mr. Maclay had leave to introduce the following bill—An Act to amend an Act to provide for a system of common schools.

Read first and second times and placed on file, and ordered printed.

Assembly Bill No. 245—An Act to regulate fees and salaries of office and salaries of certain officers, and to repeal certain other Acts in relation thereto.

[Mr. Pendegast in the chair.]

The hour of two o'clock P. M. having arrived, the time for the consideration of special order—Governor's message vetoing Senate Bill No. 185—An Act authorizing Morris Wolff and others to lay down iron water pipes in any of the public streets of the Town of San Bernardino.

On motion of Mr. Mandeville, the special order was discharged and made the special order for to-morrow at twelve o'clock M.

Assembly Bill No. 245 was considered in Committee of the Whole and amended.

Mr. Lawrence had leave to introduce the following resolution :

*Resolved*, That when the Senate adjourns, it adjourns to meet this evening, at half-past seven o'clock, for the special consideration of the fee and salary bill, now under discussion.

Adopted.

Mr. Morrill verbally reported Assembly Bill No. 479, with amendments, and recommended the passage of the bill as amended.

Amendments of delegation adopted, bill read a third time and passed.

At four o'clock and thirty-five minutes P. M., on motion of Mr. Lewis, the Senate took a recess until this evening at half-past seven o'clock.

#### REASSEMBLED.

Senate reassembled at seven and a half o'clock P. M.

President pro tem. in the chair.

Roll called

Quorum present.

Consideration of substitute for Assembly Bill No. 245 was resumed in Committee of the Whole, and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Mr. Roberts moved to amend section four, in lines thirty-three, thirty-six, forty-one, fifty-four, sixty-four, seventy-two, seventy-nine, eighty-two, ninety-nine and one hundred and one, of printed bill, by striking out the word "five" wherever the same occurs in each of said lines.

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Roberts, Fowler and Mandeville, and the Senate refused, by the following vote:

**AYES**—Messrs. Banvard, Beach, Conly, Conn, Fowler, Green, Irwin, Murch, O'Connor, Orr, Pacheco, Perkins, Roberts, Tompkins, Turner, Tweed, Wilson and Wing—18.

**NOES**—Messrs. Betge, Burnett, Chappell, Comte, Curtis, Farley, Gwin, Hunter, Hutchings, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, Pendegast, Saunders and Wand—21.

Mr. Chappell moved to amend by striking out all after the first word "county," in line eight, section fifty-five, and add the following: "*Provided*, that if such fees do not, in the aggregate, amount to three thousand dollars, then the deficiency shall be paid out of the General Fund of Shasta County."

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Betge, Hunter and Maclay, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Beach, Burnett, Chappell, Conly, Curtis, Farley, Green, Gwin, Mandeville, McDougall, Morrill, O'Connor, Orr, Pacheco, Pendegast, Perkins, Roberts, Saunders, Tompkins, Tweed and Wing—22

**NOES**—Messrs. Betge, Comte, Conn, Fowler, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Minis, Murch and Wand—15.

Mr. Murch moved to amend section fifty-eight, by inserting, as follows:

"Section 58. This Act shall take effect and be in force from and after the first Monday in March, eighteen hundred and seventy-two."

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Roberts, Murch and Chappell, and the Senate refused, by the following vote:

**AYES**—Messrs. Banvard, Conly, Green, Murch, Perkins, Roberts and Tompkins—7.

**NOES**—Messrs. Beach, Betge, Burnett, Comte, Curtis, Farley, Fowler, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, O'Connor, Orr, Pendegast, Saunders, Turner, Tweed, Wand, Wilson and Wing—28.

Mr. Pendegast moved to reconsider the vote by which the amendment proposed by Mr. Chappell, relative to the office of Sheriff, was adopted.

Upon which the ayes and noes were demanded by Messrs. Chappell, Green and Betge, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Burnett, Comte, Curtis, Farley, Fowler, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Minis, O'Connor, Pendegast, Saunders, Wand and Wilson—20.

**NOES**—Messrs. Betge, Chappell, Conly, Green, Mandeville, McDougall, Morrill, Orr, Roberts, Tompkins, Tweed and Wing—12.

Upon a reconsideration of the vote, the amendment was lost.

Mr. Kincaid moved to make the bill the special order for Saturday next, at twelve o'clock m.

Mr. Mandeville moved the previous question, which was sustained.

The motion to make the bill the special order was lost.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Green, Betge and Minis, and the bill was passed, by the following vote:

**AYES**—Messrs. Betge, Burnett, Comte, Curtis, Farley, Fowler, Hager, Hunter, Hutchings, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, Murch, O'Connor, Pendegast, Saunders, Turner, Tweed, Wand, Wilson and Wing—27.

**NOES**—Messrs. Banvard, Chappell, Conly, Green, Orr, Perkins, Roberts and Tompkins—8.

Messrs. Murch and Pendegast each gave notice that they would, on to-morrow, move a reconsideration of the vote by which said bill was passed.

Mr. Maclay had leave to introduce the following bill—An Act concerning drift wood and sea wood.

Read first and second times and referred to the Monterey and Santa Clara delegation.

#### RESOLUTION.

By Mr. Tweed:

*Resolved*, That Senators Curtis, Murch and Roberts be added to the select committee to which was referred the petition relating to woman's suffrage.

Adopted.



At ten o'clock and fifteen minutes p. m., on motion of Mr. Fowler, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, March 4th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The President announced the following Joint Committee on Assembly joint resolution, in relation to the immigration of Chinamen: Senators Farley and Lawrence.

## PETITIONS.

By Mr. Pendegast—From citizens of Lake County, for the removal of the county seat of said county.

Referred to the Committee on Counties and County Boundaries.

By Mr. Roberts—From citizens of Nevada County, for the passage of Senate Bill No. 345.

Referred to the Committee on Corporations.

Pursuant to notice, Mr. Pendegast moved to reconsider the vote by which the Senate passed substitute for Assembly Bill No. 245.

Lost.

## REPORTS.

Mr. Curtis, from the Committee on Claims, made the following report:

MR. PRESIDENT: The Committee on Claims have had under consideration Senate Bill No. 147—An Act for the relief of John Kneland—and report it back and recommend its passage.

CURTIS, Chairman.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed substitute for Senate Bill No. 274—An Act concerning the office of County Recorder and ex officio Auditor of the County of Sacramento.

O'CONNOR, Chairman.

Mr. Maclay, for the Santa Clara and Monterey delegation, made the following report:

**Mr. PRESIDENT:** The Santa Clara and Monterey delegation, to whom was referred Senate Bill No. 504—An Act concerning drift wood and sea wood—have had the same under consideration, report the same back and recommend its passage.

MACLAY,  
McDOUGALL.  
Delegation.

Rules suspended and bill placed on file.

**Mr. McDougall,** for the Contra Costa and Santa Cruz delegations, made the following report :

**Mr. PRESIDENT:** The delegations from Contra Costa and Santa Cruz, to whom was referred Assembly Bill No. 454—An Act concerning the office of Tax Collector in the Counties of Contra Costa and Santa Cruz—having had the same under consideration, report it back with amendments, and recommend its passage as amended.

McDOUGALL, for Delegations.

Rules suspended and bill placed on file.

**Mr. Larkin,** from the Committee on State and County Revenue, made the following report :

**Mr. PRESIDENT:** The Senate Committee on State and County Revenue, to whom was referred Assembly Bill No. 306—An Act concerning the funded debt of San Bernardino County—have had the same under consideration, and report the same back, recommending its passage.

Your committee also recommend the passage of Assembly Bill No. 212—An Act to amend section four of an Act to provide for the licensing of auctioneers and to define their duties and liabilities—which is herewith reported.

Your committee have also had under consideration Senate Bill No. 189—An Act for the relief of Robert M. Folger—and recommend its reference to the Amador delegation.

Also, report back Senate Bill No. 478—An Act to fix the amount of the official bond of the Tax Collector of Del Norte County—and recommend its passage.

And also recommend the passage of Senate Bill No. 467.

LARKIN, Chairman.

**Mr. Lawrence** verbally reported Assembly Bill No. 115, and recommended the passage of the same.

Rules suspended, bill read a third time and passed.

**Mr. Conn,** for the San Bernardino delegation, made the following report :

**Mr. PRESIDENT:** The delegation from San Bernardino, to whom was referred Assembly Bill No. 475—An Act to fix the fees of witnesses in criminal actions in San Bernardino County—report the bill back, with the recommendation that the same become a law.

CONN, for Delegation.

Rules suspended and bill placed on file.

**Mr. Hager,** from the Judiciary Committee, made the following report :

**Mr. PRESIDENT:** The Committee on Judiciary have had under consideration Senate Bill No. 374, and report the same back with amendments, and a majority of the committee, composed of Senators Farley, Tompkins, Pendegast and Comte, recommend the adoption of the amendments and the passage of the bill as amended, and a minority of the committee, composed of Senators Curtis, Lewis and Hager, recommend that it do not pass.

**HAGER, Chairman.**

The report of the Commission appointed by the Legislature to examine the harbor of Santa Cruz and Salinas Slough was presented and referred to the Committee on Commerce and Navigation, and ordered printed.

**MESSAGE FROM THE ASSEMBLY.**

The following message was received from the Assembly :

**ASSEMBLY CHAMBER,**  
March 3d, 1870. }

**Mr. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on the first day of March, passed Assembly Bill No. 146—An Act amendatory of and supplemental to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and sixty-one.

Also, Assembly Bill No. 168—An Act to amend an Act entitled an Act to exempt the homestead and other property from forced sale in certain cases, approved April twenty-first, eighteen hundred and fifty-one.

Also, Assembly Bill No. 149—An Act to authorize W. S. Chaffer, Marcus Harloe, and others, to build a wharf and railroad track at San Buenaventura, in Santa Barbara County.

Also, Assembly Bill No. 331—An Act supplemental to an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

And, on yesterday, passed Assembly Bill No. 506—An Act to appropriate money for the relief of James W. Marshall.

And, on this day, passed substitute for Assembly Bill No. 468—An Act to authorize and empower George F. Nourse, of the Town of Chico and County of Butte, his associates and assigns, to build and run a street railroad from Chico Landing, on the Sacramento River, to the Town of Chico, Chico Township, County of Butte, and for a branch line thereto.

Also, passed Senate Bill No. 53—An Act to repeal an Act entitled an Act to authorize the sale and conveyance to the San Mateo Tanning and Manufacturing Company certain overflowed lands in the County of San Mateo, approved March thirtieth, eighteen hundred and sixty-eight.

**CRAWFORD,**  
Assistant Clerk.

**CONSIDERATION OF ASSEMBLY MESSAGE.**

Assembly Bill No. 506, above reported, read first and second times and referred to the Committee on Claims.

Assembly Bill No. 331, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 146, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 168, above reported, read first and second times and referred to the Judiciary Committee.

Substitute for Assembly Bill No. 468, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 149, above reported, read first and second times and referred to the Committee on Commerce and Navigation.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 3d, 1870. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-eighth day of February, passed Assembly Bill No. 371—An Act concerning Notaries Public in the County of San Joaquin.

Also, Assembly Bill No. 144—An Act to locate the county seat for the County of Lake.

Also, Assembly Bill No. 344—An Act to provide for the manner of auditing claims against Humboldt County, and to provide for the reduction of taxation therein and expenses thereof.

And, on the first instant, passed Assembly Bill No. 85—An Act to repeal the Registry Act.

And, on yesterday, passed substitute for Senate Bill No. 274—An Act concerning the office of County Recorder and ex officio Auditor of the County of Sacramento.

Also, Senate Concurrent Resolution No. 34—Relative to printing five thousand copies of Surveyor-General's report.

And concurred in Senate amendments to Assembly Bills Nos. 76 and 126.

And, on the twenty-eighth ultimo, passed Assembly Bill No. 450—An Act concerning roads and highways in the Counties of Santa Cruz and San Diego.

And, on the first instant, passed Assembly Bill No. 479—An Act to regulate fees and salaries in the County of Calaveras and to define the powers and duties of certain officers in said County of Calaveras.

And, on yesterday, passed Assembly Bill No. 408—An Act to appropriate money for the relief of General John A. Sutter.

And, on this day, concurred in Senate amendments to Assembly Concurrent Resolution No. 38.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 408, above reported, read first and second times and referred to the Committee on Claims.

Assembly Bill No. 371, above reported, read first and second times and referred to the San Joaquin delegation.

Assembly Bill No. 144, above reported, read first and second times and referred to the Committee on Counties and County Boundaries.

Assembly Bill No. 450, above reported, read first and second times and referred to the delegations named in the bill.

Assembly Bill No. 344, above reported, read first and second times and referred to the Committee on State and County Revenue.

Assembly Bill No. 85, above reported, read first and second times and referred to the Committee on Elections.

#### GENERAL FILE.

Assembly Bill No. 215—An Act to legalize conveyances made by Gretta C. Thompson.

Read a third time and passed.

Assembly Bill No. 156—An Act to authorize the construction and maintenance of a wagon road between Indian Valley and Sierra Valley, in the County of Plumas.

Indefinitely postponed.

Assembly Bill No. 421—An Act in relation to the office of Court Commissioner of the County of San Joaquin.

Read a third time and passed.

Assembly Bill No. 3—Substitute for an Act authorizing the laying down of a railroad track in certain of the streets of the City and County of San Francisco, for grading purposes.

Considered in Committee of the Whole and amended.

Mr. Hager moved to strike out section four of the bill.

Lost.

On motion of Mr. Betge, the vote just taken was reconsidered, and section four was stricken out.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

The bill was then read a third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. O'Connor, Fowler and Betge, and the bill was passed, by the following vote:

**AYES**—Messrs. Banvard, Beach, Betge, Burnett, Chappell, Comte, Farley, Fowler, Green, Hunter, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, McDougall, Morrill, Murch, Pendegast, Saunders, Tompkins, Wand, Wilson and Wing—25.

**NOES**—Messrs. Conly, Conn, Gwin, Hager, Hutchings, O'Connor, Roberts and Tweed—8.

On motion of Mr. Wand, the rules were suspended and Senate Bill No. 296—An Act to authorize the Board of Supervisors of San Francisco to permit the laying down of railroad tracks for grading purposes—was taken up out of its order and considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

**Assembly Bill No. 303**—An Act to repeal section eighteen of an Act to establish and maintain public pounds for the better securing of estrays and other stock in the County of Alameda.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

**Assembly Bill No. 242**—An Act to reincorporate the City of Monterey. Indefinitely postponed.

[President pro tem. in the chair.]

**Senate Bill No. 309**—An Act to authorize the Board of Supervisors of San Joaquin County to appropriate money for the use of the San Joaquin Agricultural Society.

Rules suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Tompkins, the rules were suspended and **Senate Bill No. 287**—An Act to provide funds for the School Department of the City of Oakland—was taken up out of its order.

Rules suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Tompkins, **Senate Bill No. 332**—An Act to provide for paying certain claims against the City of Oakland and to contract a funded debt for that purpose—was taken up out of its order.

Amendments of committee adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

**Senate Bill No. 412**—An Act to authorize the Board of Trustees of Mountain View School District, Santa Clara County, to submit to the qualified voters of said district whether they will be taxed for the purpose of building a school house for said district.

Rules suspended, bill considered engrossed, read a third time and passed.

**Senate Bill No. 59**—An Act to provide for the appointment of Supreme Court Reporter and Assistant Attorney-General, and to define his duties and compensation.

Considered in Committee of the Whole, and amendments reported by Judiciary Committee adopted.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Mr. Banvard offered a substitute for the bill.

Upon the adoption of which, the ayes and noes were demanded by Messrs. Farley, Roberts and Green, and the Senate refused, by the following vote:

**AYES**—Messrs. Banvard, Beach, Burnett, Chappell, Conly, Green, Murch, Orr, Pacheco, Perkins, Roberts, Tompkins, Turner, Tweed and Wing—15.

**NOES**—Messrs. Betge, Comte, Conn, Curtis, Farley, Fowler, Gwin, Hager, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Mande-

ville, Minie, Morrill, O'Connor, Pendegast, Saunders, Wand and Wilson—22.

Mr. Banvard moved to amend section one, line two, printed copy, by striking out the word "Governor" and insert instead the following words: "the Judges of the Supreme Court." Also, line three, after the word "commissioned," insert the words "by the Governor."

Lost.

The rules were then suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Tompkins, the vote by which Senate Bill No. 287 was passed was reconsidered.

Amendments proposed to said bill by the committee were adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Roberts—An Act to regulate the rights of the owners of mines.

Read first and second times and referred to the Committee on Mines and Mining Interests.

Also, an Act to authorize the sale of certain salt marsh and tide lands in the County of Marin.

Read first and second times and referred to the Committee on Swamp and Tide Lands.

By Mr. Irwin—An Act to create the County of Summit, on the fulfillment of the condition therein specified, to define its boundaries and provide for its organization.

Read first and second times and, with accompanying documents, referred to the Committee on Counties and County Boundaries.

Also, an Act to authorize William B. Swearingen, his associates and assigns, to construct and keep a turnpike or wagon road in the Counties of Siskiyou and Lassen, in this State.

Read first and second times and referred to the Committee on Corporations.

By Mr. Green—An Act to empower the County of Marin to aid in the construction of a railroad in said county.

Read first and second times and referred to the Committee on Corporations.

By Mr. Banvard—An Act to grant the right to construct a ditch for mining purposes, leading from the south fork of the north fork of the American River, to Forest Hill, in Placer County.

Read first and second times and referred to the Committee on Corporations.

By Mr. Burnett—An Act authorizing the Board of Trustees of the City of Petaluma to lease a certain plaza therein.

Read first and second times and referred to the Committee on Corporations.

By Mr. Gwin—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Green—An Act for the relief of Martha Buckelew, executrix of the last will and testament of Benjamin R. Buckelew, deceased.

Read first and second times and referred to the Committee on Claims.

By Mr. Lawrence—An Act for the relief of J. Scott Ashman, formerly Sheriff of Fresno County.

Read first and second times and referred to the Committee on Claims.

By Mr. Maclay—An Act to provide for the construction of agricultural warehouses at Goat Island, in the Bay of San Francisco.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Burnett—An Act to authorize Daniel Harbach to construct a chute and moorings at or near Stewart's Point, and collect tolls for the use thereof.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Mandeville—An Act to pay for services rendered in the office of the State Surveyor-General.

Read first and second times and referred to the Finance Committee.

By Mr. Lewis—An Act making an appropriation for deficiency in the appropriation made for twentieth and twenty-first fiscal years, ending July first, eighteen hundred and seventy.

Read first and second times and referred to the Finance Committee.

By Mr. Orr—An Act to authorize the Board of Supervisors of San Joaquin County to issue a certain bond.

Read first and second times and referred to the San Joaquin delegation.

By Mr. Hager—An Act to provide for a railroad within the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

Also, an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

By Mr. Hunter—An Act to provide for the relief of Maze Edwards.

Read first and second times and placed on file.

By Mr. Lewis—An Act to authorize the Controller and Treasurer of State to transfer certain funds.

Read first and second times and referred to the Committee on State Prison.

By Mr. Murch—An Act to protect settlers on public lands.

Read first and second times and referred to the Committee on Public Lands.

By Mr. Minis—An Act to authorize the closing of a portion of a certain street in the City of Benicia.

Read first and second times and referred to the Committee on Education.

#### SPECIAL ORDER.

The hour of twelve o'clock M. having arrived, Senate took up consideration of special order—Governor's message vetoing Senate Bill No. 135—An Act authorizing Morris Wolff and others to lay down iron water pipes in any of the public streets of the Town of San Bernardino.

Upon the question, "Shall the bill become a law, notwithstanding the objection of the Governor?" the roll was called, with the following result:



AYES—None.

NOES—Messrs. Banvard, Beach, Burnett, Comte, Conly, Conn, Curtis, Farley, Green, Hager, Hunter, Hutchings, Kincaid, Lawrence, Lewis, Macclay, Mandeville, McDougall, Minis, Morrill, Murch, O'Connor, Pacheco, Perkins, Roberts, Tompkins, Turner, Tweed and Wand—28.

#### CONCURRENT RESOLUTION.

By Mr. Conn :

*Resolved* by the Senate, the Assembly concurring, That Sydney Waite, County Clerk of San Bernardino County, is hereby granted leave of absence from this State for the period of four (4) months, at such times as he may select during his term of office; *provided*, that the said County Clerk shall leave a competent deputy to discharge the duties of said office during his absence, and obtain the consent of the Board of Supervisors of San Bernardino County for such absence.

Adopted.

#### REPORT.

Mr. Lawrence, from the Committee on Corporations, made the following report :

MR. PRESIDENT: The Committee on Corporations have had under consideration Senate Bill No. 416, and a majority of the committee report it back recommending its passage.

SAUNDERS,  
LAWRENCE,  
KINCAID,  
CHAPPELL.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Gwin—An Act to amend an Act entitled an Act to reorganize and provide for the education and care of the deaf and dumb and the blind in the State of California, approved March thirty-first, eighteen hundred and sixty-six.

Read first and second times and referred to the Committee on Education.

By Mr. Conc—An Act to grant the right of way over State lands; also, granting tide lands in the Bay of San Diego, in the City and County of San Diego, for terminus, depot and other purposes.

Read first and second times and referred to the Committee on Public Lands.

By Mr. Curtis—An Act to authorize the County of Sacramento to issue bonds to raise money for Court-house and jail purposes.

Read first and second times and referred to the Sacramento delegation.

By Mr. Lewis—An Act to authorize a tax to be levied upon the taxable property of Red Bluff School District, Tehama County, for building purposes.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Roberts—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

## MOTIONS, RESOLUTIONS AND NOTICES.

By Mr. Green :

*Resolved*, That Senators Maclay, Wilson and Chappell, each are hereby allowed the sum of two hundred and twenty-five dollars as mileage, while in the discharge of committee duties, to San Francisco, Oakland, San José, Santa Clara, Petaluma, Napa, Martinez and Stockton, payable out of the Contingent Fund of the Senate.

Referred to the Committee on Mileage.

By Mr. Curtis :

*Resolved*, That the select committee to whom was referred the memorial relative to woman suffrage, be and they are hereby authorized to employ a female clerk, at the same per diem as is allowed to other committee clerks, payable out of the Contingent Fund of the Senate.

Mr. Minis moved to amend by adding after the words "female clerk," "without regard to race, color or previous condition."

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Fowler, Minis and Green, and the Senate refused, by the following vote :

**AYES**—Messrs. Betge, Farley, Green, Hutchings, Irwin, Larkin, Lewis, Maclay, Minis, O'Connor, Perkins and Roberts—12.

**NOES**—Messrs. Banvard, Comte, Conly, Conn, Curtis, Fowler, Gwin, Hunter, Lawrence, Morrill, Murch, Saunders, Tompkins, Tweed, Wilson and Wing—16.

The resolution was laid on the table.

Mr. Banvard gave notice that he would, at an early day, introduce a bill in relation to the registration of the legal voters of this State.

By Mr. Mandeville—Application of the Legislature of the State of California to Congress to call a convention to amend the Constitution.

Read first and second times and referred to the Committee on Federal Relations, and ordered printed.

[For application, see Appendix.]

On motion of Mr. Irwin, the rules were suspended and Senate Bill No. 352—An Act relating to Yreka School District, in Siskiyou County—was taken up and considered, out of its order.

The rules were further suspended, bill considered engrossed, read a third time and passed.

At two o'clock and thirty-five minutes P. M. Mr. O'Connor moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Fowler, O'Connor and Lewis, and the Senate refused, by the following vote :

**AYES**—Messrs. Banvard, Conly, Conn, Farley, Fowler, Hunter, Larkin, Lewis, Mandeville, Minis, O'Connor, Pendegast, Tompkins and Tweed—14.

**NOES**—Messrs. Beach, Betge, Chappell, Comte, Curtis, Green, Gwin, Hager, Hutchings, Irwin, Kincaid, Lawrence, Maclay, Morrill, Murch, Orr, Pacheco, Perkins, Roberts, Saunders, Turner, Wand, Wilson and Wing—24.

Mr. Lewis moved to take up Assembly messages.  
Lost.

GENERAL FILE RESUMED.

Senate Bill No. 200—An Act supplementary to an Act entitled an Act prescribing certain conditions for the transaction of insurance business in the State of California, approved March twenty-sixth, eighteen hundred and sixty-eight.

Ordered on top of file for Wednesday next.

Senate Bill No. 18—An Act concerning witnesses.

The bill was amended by inserting an enacting clause.

Upon the indefinite postponement of the bill, the ayes and noes were demanded by Messrs. Hunter, Tweed and Minis, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Betge, Burnett, Comte, Conly, Conn, Curtis, Farley, Fowler, Gwin, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Mandeville, Minis, Morrill, O'Connor, Pendegast, Saunders, Wand and Wilson—26.

**NOES**—Messrs. Beach, Chappell, Green, McDougall, Murch, Orr, Pacheco, Roberts, Tompkins, Turner, Tweed and Wing—12.

Senate Concurrent Resolution No. 13—Relative to a mail route in Merced County.

Rules suspended, resolution considered engrossed, read a third time and adopted.

Senate Concurrent Resolution No. 17—Relative to the proposed Fifteenth Amendment.

On motion of Mr. Farley, the resolutions were made the special order for Tuesday evening next, at half-past seven o'clock P. M.

Mr. Lewis moved to adjourn.

Lost.

Senate Bill No. 244—An Act to empower the City and County of San Francisco and the Counties of Monterey and San Luis Obispo to aid in the construction of the Southern Pacific Railroad.

Substitute reported by committee adopted.

The substitute was considered in Committee of the Whole.

[Mr. Pendegast in the chair.]

At four o'clock and forty minutes P. M. Mr. Lewis moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Fowler, Minis and Larkin, and the Senate refused, by the following vote:

**AYES**—Messrs. Banvard, Fowler, Hager, Hunter, Irwin, Larkin, Lewis, Mandeville, Minis, O'Connor, Pendegast, Perkins, Turner and Tweed—14.

**NOES**—Messrs. Beach, Betge, Burnett, Chappell, Comte, Conly, Conn, Curtis, Green, Hutchings, Lawrence, Maclay, McDougall, Morrill, Murch, Orr, Pacheco, Roberts, Saunders, Tompkins, Wand, Wilson and Wing—23.

On motion of Mr. Mandeville, at five o'clock and five minutes P. M., the Senate took a recess until half-past seven o'clock this evening.

REASSEMBLED.

Senate reassembled at half-past seven o'clock P. M.

President in the chair.

Roll called.

Quorum present.

Senate resumed consideration of Senate Bill No. 244, as in Committee of the Whole.

IN SENATE.

Mr. Lewis moved to amend section one, by adding the following: "*provided*, that if said railroad company employ any Chinese or Mongolian, all rights obtained under the provisions of this Act shall be null and void."

Upon the adoption of which, the ayes and noes were demanded by Messrs. Lewis, Maclay and Larkin, and the Senate refused, by the following vote:

AYES—Messrs. Farley, Fowler, Hunter, Larkin, Lewis, Minis and O'Connor—7.

NOES—Messrs. Banvard, Beach, Betge, Burnett, Chappell, Comte, Conly, Conn, Curtis, Green, Hager, Hutchings, Irwin, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murch, Orr, Pacheco, Pendegast, Perkins, Roberts, Saunders, Tompkins, Turner, Tweed, Wand, Wilson and Wing—31.

Mr. Lewis moved to amend section two by adding, "*provided*, that no vote shall be deposited or counted unless the person so appearing to vote shall be a taxpayer, and whose name shall appear upon the assessment roll in the county where he appears to vote."

Upon the adoption of which, the ayes and noes were demanded by Messrs. Fowler, O'Connor and Lewis, and the Senate refused, by the following vote:

AYES—Messrs. Fowler, Hunter, Larkin, Lewis, Minis, O'Connor and Perkins—7.

NOES—Messrs. Banvard, Beach, Betge, Burnett, Chappell, Comte, Conly, Conn, Curtis, Farley, Green, Hager, Hutchings, Irwin, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murch, Orr, Pacheco, Pendegast, Roberts, Saunders, Tompkins, Turner, Tweed, Wand, Wilson and Wing—31.

Mr. Larkin moved to amend section fifteen by adding, "*provided*, that the whole amount of bonds which shall be issued under authority of this Act to the Southern Pacific Railroad, by the Counties of Monterey and San Luis Obispo, respectively, shall not exceed ten per cent. of the taxable property of said counties, respectively, as the same shall be ascertained by their respective assessment rolls."

Upon which the ayes and noes were demanded by Messrs. Lewis, Tweed and Larkin, and the Senate refused, by the following vote:

AYES—Messrs. Farley, Fowler, Hunter, Irwin, Larkin, Lewis, Minis, O'Connor, Pendegast and Perkins—10.

NOES—Messrs. Banvard, Beach, Betge, Burnett, Chappell, Comte, Conly, Conn, Curtis, Green, Hager, Hutchings, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murch, Orr, Pacheco, Roberts, Saunders, Tompkins, Turner, Tweed, Wand, Wilson and Wing—28.

Mr. O'Connor moved to amend section one, as follows: Add, at the end of section one, the following: "*provided*, that before said elections are held in the aforesaid counties, the said Southern Pacific Railroad Company shall execute to the said several counties good and sufficient bonds, with two or more sureties, which bonds shall be approved by the respective County Judges of said counties, conditioned that said company will pay all expenses of said election, should any of said counties refuse to grant the aid demanded by said company, as in this Act specified."

Upon the adoption of which, the ayes and noes were demanded by Messrs. O'Connor, Fowler and Lewis, and the Senate refused, by the following vote:

**AYES**—Messrs. Farley, Fowler, Hager, Hunter, Irwin, Larkin, Lewis, O'Connor, Pendegast, Perkins, Saunders, Turner and Tweed—13.

**NOES**—Messrs. Banvard, Beach, Betge, Burnett, Chappell, Comte, Conly, Conn, Curtis, Green, Hutchings, Kincaid, Lawrence, Maclay, McDougall, Minis, Morrill, Murch, Orr, Pacheco, Roberts, Tompkins, Wand, Wilson and Wing—25.

Mr. O'Connor moved to amend as follows: Strike out, in section four, in lines five and six, the words "one hundred and twenty" and insert the word "forty."

Upon the adoption of which, the ayes and noes were demanded by Messrs. O'Connor, Fowler and Lewis, and the Senate refused, by the following vote:

**AYES**—Messrs. Fowler, Hunter, Irwin, Larkin, Lewis, Mandeville, Minis, O'Connor and Pendegast—9.

**NOES**—Messrs. Banvard, Beach, Betge, Burnett, Chappell, Comte, Conly, Conn, Curtis, Green, Gwin, Hager, Hutchings, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murch, Orr, Pacheco, Perkins, Roberts, Saunders, Tompkins, Turner, Tweed, Wand, Wilson and Wing—30.

Mr. Mandeville moved to amend, as follows: Strike out "San Luis Obispo," wherever it occurs in the bill.

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. O'Connor, Fowler and Lewis, and the Senate refused, by the following vote:

**AYES**—Messrs. Fowler, Hunter, Larkin, Lewis, Mandeville and O'Connor—6.

**NOES**—Messrs. Banvard, Beach, Betge, Burnett, Chappell, Comte, Conly, Conn, Curtis, Green, Gwin, Hager, Hutchings, Irwin, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murch, Orr, Pacheco, Perkins, Roberts, Saunders, Tompkins, Turner, Tweed, Wand, Wilson and Wing—31.

Mr. Fowler moved to amend the bill, by striking out the whole of section two.

Upon which the ayes and noes were demanded by Messrs. Fowler, Lewis and O'Connor, and the Senate refused, by the following vote:

**AYES**—Messrs. Fowler, Hunter, Larkin, Lewis, Mandeville and O'Connor—6.

**NOES**—Messrs. Banvard, Beach, Betge, Burnett, Chappell, Comte, Conly, Conn, Curtis, Green, Gwin, Hager, Hutchings, Irwin, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murch, Orr, Pacheco, Pendegast, Perkins, Roberts, Saunders, Tompkins, Turner, Tweed, Wand, Wilson and Wing—32.

On motion of Mr. Mandeville, the rules were suspended, bill considered engrossed and read a third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Lewis, O'Connor and Fowler, and the bill was passed, by the following vote :

**AYES**—Messrs. Banvard, Beach, Betge, Burnett, Chappell, Comte, Conly, Conn, Curtis, Farley, Green, Gwin, Hutchings, Irwin, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murch, Orr, Pacheco, Perkins, Roberts, Saunders, Tompkins, Wand, Wilson and Wing—29.

**NOES**—Messrs. Fowler, Hager, Hunter, Larkin, Lewis, Mandeville, Minis, O'Connor and Tweed—9.

At ten o'clock and ten minutes P. M., on motion of Mr. Conn, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest : JOSEPH ROBERTS, Jr., Secretary of Senate.

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## IN SENATE.

SENATE CHAMBER,  
Saturday, March 5th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

• **MR. PRESIDENT:** The Committee on Engrossment have examined and find correctly engrossed substitute for Senate Bill No. 252—An Act to protect litigants.

Also, Senate Bill No. 309—An Act to authorize the Board of Supervisors of San Joaquin County to appropriate money for the use of the San Joaquin Valley Agricultural Society.

Also, Senate Bill No. 412—An Act to authorize the Board of Trustees of Mountain View School District, Santa Clara County, State of California, to submit to the qualified voters of said district whether they will

be taxed for the purpose of building a school house for said district and furnishing the same.

Also, Senate Bill No. 57—An Act to provide for the appointment of a Reporter of the Supreme Court and to define his duties and compensation.

Also, Senate Bill No. 287—An Act to provide funds for the School Department of the City of Oakland.

Also, Senate Bill No. 332—An Act to provide for paying certain claims against the City of Oakland and to construct a funded debt for that purpose.

O'CONNOR, Chairman.

On motion of Mr. Mandeville, substitute for Senate Bill No. 252, above reported, was ordered on top of file for Wednesday next.

Mr. Lewis, from the Committee on State Prison, presented a majority and minority report from said committee.

Reading dispensed with and ordered printed.

[For reports, see Appendix.]

Mr. Lewis, from the Committee on State Prison, also introduced the following bill—An Act to provide for the government of the State Prison and authorize the Board of Directors to adopt the Irish system of discipline therein.

Read first and second times, placed on file and ordered printed.

Mr. Maclay, from the Committee on Education, made the following report :

MR. PRESIDENT : The Committee on Education, to whom was referred Senate Bill No. 525—An Act to authorize the closing of certain streets in the City of Benicia—have had the same under consideration, report the bill back and recommend its passage.

MACLAY, Chairman.

Mr. Betge, from the Committee on Commerce and Navigation, made the following reports :

MR. PRESIDENT : Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 501—An Act to dispose of certain salt marsh and tide lands in the Counties of Marin and San Francisco—beg leave to report the same back with amendments, and recommend its passage as amended.

BETGE, Chairman.

MR. PRESIDENT : Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 473—An Act relating to the Terminal Railway Company—having had the same under consideration, beg leave to report the same back to the Senate with a substitute, and recommend the passage of the substitute.

BETGE, Chairman.

Mr. Morrill, from the Committee on Enrolment, made the following reports :

MR. PRESIDENT : Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 411—An Act for the relief of Henry N. Morse, Sheriff of Alameda County.

Also, Senate Bill No. 94—An Act to authorize the formation of special partnerships.

Also, Senate Bill No. 66—An Act to provide for the welfare and increase the efficiency of the California Institution for the Deaf, Dumb and Blind.

And this day, at eleven o'clock and thirty-seven minutes A. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 272—An Act to regulate fees and salaries of officers and defining their duties in the County of El Dorado, and other matters relating thereto.

And this day, at eleven o'clock A. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 274—An Act to legalize the election of a County Recorder and ex officio Auditor of the County of Sacramento.

Also, Senate Concurrent Resolution No. 34.

And this day, at twelve o'clock and thirty minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. Lawrence, from the Committee on Corporations, made the following majority report:

Mr. PRESIDENT: A majority of the Committee on Corporations, to whom was referred Senate Bill No. 62—An Act to amend an Act entitled an Act for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May-twentieth, eighteen hundred and sixty-one—report the same back with a recommendation that it do not pass. Your committee have now under consideration another bill, the provisions of which we believe will effect the desired purpose. Further, we ask until Wednesday next to submit an additional report, embodying our conclusions in detail.

SAUNDERS.  
LAWRENCE,  
KINCAID.  
CHAPPELL.

Mr. Orr, for the San Joaquin delegation, made the following report:

Mr. PRESIDENT: The San Joaquin delegation, to whom was referred Senate Bill No. 516—An Act to authorize the Board of Supervisors of San Joaquin County to issue a certain bond—have examined the same and now report it back and recommend its passage.

ORR, for Delegation.

[President pro tem. in the chair.]

On motion of Mr. Orr, the rules were suspended and Senate Bill No.



516, above reported, was taken up, considered engrossed, read a third time and passed.

Mr. Farley verbally reported Senate Bill No. 189, with the recommendation that the same do pass.

On motion, the rules were suspended and the bill was taken up and considered engrossed.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Curtis, Betge and Green, and the bill was passed, by the following vote :

**AYES**—Messrs. Banvard, Betge, Burnett, Conly, Farley, Fowler, Lawrence, Lewis, Mandeville, McDougall, Orr, Pendegast, Roberts, Tweed, Wand and Wilson—16.

**NOES**—Messrs. Comte, Conn, Curtis, Green, Hunter, Irwin, Kincaid, Larkin and Perkins—9.

Mr. Green had leave to introduce the following resolution :

*Resolved*, That when we do adjourn, we adjourn to meet at two and a half o'clock on Monday next.

Adopted.

Mr. Wand had leave to make the following reports :

Mr. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 446—Relating to the reorganization of the Board of Supervisors for the City and County of San Francisco—have had the same under consideration and herewith report it back, accompanied by a substitute, and recommend the passage of the substitute.

WAND, for Delegation.

Mr. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 388—An Act to create the office of Commissioner of Assessments for the City and County of San Francisco and to define his duties and fix his compensation—having duly considered the same, respectfully report the same back to the Senate and recommend its passage.

WAND,  
BETGE,  
KINCAID.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Hager—An Act to amend an Act entitled an Act amendatory of article fourth of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, repealing sections thirty-six to sixty-four inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said article four, approved April twenty-fifth, eighteen hundred and sixty-two.

Read first and second times and referred to the San Francisco delegation.

Also, an Act to provide for the revision and compilation of the statute laws of the State of California.

Read first and second times and referred to the Judiciary Committee.

Also, an Act to provide for the improvement of the water front of the City and County of San Francisco.

Read first and second times and, with accompanying memorial, referred to the Committee on Commerce and Navigation.

By Mr. Murch—An Act to enable the Counties of Mendocino, Humboldt, Klamath and Del Norte to issue bonds to aid in the construction of a telegraph line through said counties.

Read first and second times and referred to the Committee on State and County Revenue.

#### REPORT.

Mr. Larkin presented the following minority report from the Committee on Corporations:

MR. PRESIDENT: A minority of your Committee on Corporations, to whom was referred Senate Bill No. 62—An Act to amend an Act entitled an Act for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one—have had the same under consideration and would report the same back and recommend its passage.

LARKIN.

#### GENERAL FILE.

Assembly Bill No. 212—An Act to amend section four of an Act entitled an Act to provide for the licensing of auctioneers and to define their powers and duties, approved April eighteenth, eighteen hundred and sixty-seven.

Read a third time and passed.

Assembly Bill No. 306—An Act concerning the funded debt of San Bernardino County.

Read a third time and passed.

Assembly Bill No. 475—An Act to fix the fees of witnesses in criminal actions in San Bernardino County.

Read a third time and passed.

Assembly Bill No. 454—An Act concerning the office of Tax Collector in the Counties of Contra Costa and Santa Cruz.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

On motion of Mr. Wilson, Senate Bill No. 248—An Act to empower the Counties of Stanislaus, Merced, Fresno, Tulare and Kern to aid in construction of a railroad in said counties—was ordered on top of file for Tuesday next.

At twelve o'clock and fifteen minutes P. M., on motion of Mr. Conly, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Monday, March 7th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

Leave of absence for one day was granted to Messrs. Wand, Morrill and Burnett.

The rules were suspended and Mr. Irwin had leave to introduce the following bill—An Act to regulate fees of office and salaries of officers in Siskiyou County.

Read first and second times.

Rules suspended, bill considered engrossed, read a third time and passed, and transmitted to the Assembly.

On motion of Mr. Curtis, the rules were suspended and Senate took up out of its order, Senate Bill No. 399—An Act to amend an Act entitled an Act to provide for paying certain equitable claims against the State of California and to construct a funded debt for that purpose, approved April twenty-sixth, eighteen hundred and fifty-seven.

Rules further suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Curtis, Senate Bill No. 400—An Act to amend an Act entitled an Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds—was taken up.

Rules suspended, bill considered engrossed, read a third time and passed.

## PETITIONS.

By Mr. Lewis—From citizens of Red Bluff, for the passage of Senate Bill No. —.

Referred to the Judiciary Committee.

By Mr. Wing—From citizens of Los Angeles County, against the passage of a bill for the division of said county.

Read and referred to the Committee on Counties and County Boundaries.

By Mr. Maclay—From citizens of Gilroy, against the passage of a bill for the creation of the County of San Benito.

Read and referred to the Committee on Counties and County Boundaries.

By Mr. McDougall—From citizens of Monterey County, for the passage of the bill creating the County of San Benito.

Read and referred to the Committee on Counties and County Boundaries.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

**Mr. PRESIDENT:** The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 189—An Act for the relief of Robert M. Folger.

Also, Senate Bill No. 296—An Act to authorize the Board of Supervisors of the City and County of San Francisco to permit the laying down of railroad tracks for grading purposes.

Also, Senate Bill No. 516—An Act to authorize the Board of Supervisors of San Joaquin County to issue a certain bond.

Also, Senate Bill No. 528—An Act to authorize a tax to be levied upon the taxable property of Red Bluff School District, Tehama County, for building purposes.

Also, Senate Bill No. 352—An Act relating to Yreka School District, in Siskiyou County.

O'CONNOR, Chairman.

**Mr. Fowler,** from the Committee on Agriculture, made the following report:

**Mr. PRESIDENT:** Your Committee on Agriculture, to whom was referred Assembly Bills No. 159 and 213, respectfully report the same back and recommend their passage.

Also, Assembly Bill No. 129—its indefinite postponement.

Also, Assembly Bill No. 330—its passage recommended, with the following amendments: Amend section one by inserting "amendatory" after the word "the," in the first line; also, amend section two, by inserting the word "original" after the word "the," in the first line and by striking out the words "amendatory of the Act," after the word "Act," in the first line; also, by inserting "Fresno and Tulare" after "Siskiyou," in line twelve.

Also, Senate Bill No. 484—its passage recommended, after striking out all of section one after the word "color."

Also, Senate Bill No. 31—without recommendation.

FOWLER, Chairman.

**Mr. O'Connor,** for the Nevada and Placer delegations, made the following report:

**Mr. PRESIDENT:** The Nevada and Placer delegations, to whom was referred Assembly Bill No. 273—An Act to authorize the construction of a turnpike road from the Town of Truckee, in Nevada County, to the Hot Springs and State line, at the northeasterly end of Lake Bigler in the County of Placer—have had the same under consideration, and would report the same back and recommend that it lie on the table.

O'CONNOR, for Delegations.

**Mr. Curtis** verbally reported Senate Bill No. 527, and recommended the passage of the same.

The rules were suspended, and Senate Bill No. 527, above reported taken up.

Rules suspended, bill considered engrossed, read a third time and passed.

**Mr. McDougall,** from the Santa Cruz and San Diego delegations, made the following report:

Mr. PRESIDENT: The Santa Cruz and San Diego delegations, to whom were referred Assembly Bill No. 450—An Act concerning public roads and highways in the Counties of Santa Cruz and San Diego—having had the same under consideration, report it back and recommend its passage.

McDOUGALL, for Delegations.

Mr. Conn verbally reported Assembly Bill No. 450, with the recommendation that the same do pass.

Rules suspended, and bill above reported taken up, considered engrossed, read a third time and passed.

#### REMONSTRANCE.

By Mr. Saunders—From citizens of San Francisco and Marin, against the passage of a bill authorizing the sale and conveyance to H. A. Cobb, J. H. Turney, J. M. McNulty, Joseph Austin and T. N. Cazneau certain swamp and overflowed lands.

Referred to the Committee on Corporations.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 4th, 1870. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Assembly substitute for Senate Bill No. 420—An Act to provide for the assessment and collection of taxes in the County of Placer.

Also, Senate Bill No. 356—An Act to provide military instruction in the University of California, and to authorize the Governor to call into service the retired officers of University Cadets in case of war or insurrection.

Also, Senate Bill No. 166—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof.

Also, Senate Bill No. 41—An Act to amend section one of an Act entitled an Act to authorize the issue of bonds by the County of Santa Clara, to complete the Court-house of said county and to erect a county jail, approved March twenty-fifth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 66—An Act to provide for the welfare and increase the efficiency of the California Institution for the Deaf and Dumb and the Blind.

Also, substitute for Senate Bill No. 274—An Act to legalize the election of a County Recorder and ex officio Auditor of the County of Sacramento, at the general election held on the first Wednesday in September, eighteen hundred and sixty-nine.

Also, Senate Bill No. 94—An Act to authorize the formation of special partnerships.

Also, Senate Bill No. 411—An Act for the relief of Henry N. Morse, Sheriff of Alameda County.

Also, Senate Bill No. 324—An Act to authorize the Board of Supervisors of Santa Barbara County to pay the claims of Assa Porter and Augustine Janssens.

Also, Senate Bill No. 116—An Act to fix and regulate the salaries of the Auditor's Clerk and the Deputy Treasurers of the City and County of San Francisco.

H. H. HAIGHT,  
Governor.

Mr. Pendegast verbally reported Senate Bill No. 526, with the recommendation that the same be referred to the Committee on Corporations. The bill was so referred.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
March 4th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed, under suspension of the rules, Senate Bill No. 117—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

MOFFITT,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 4th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the first day of March, passed Assembly Bill No. 499—An Act to grant the right to convey water in pipes to supply the inhabitants of the Town of Oroville.

And, on this day, concurred in Senate amendments to Assembly Bills Nos. 121, 153, 233, 243 and 479.

And also passed, over the veto of the Governor, Senate Bill No. 7—An Act to provide and pay for services rendered for the City and County of San Francisco.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 5th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the first instant, passed Assembly Bill No. 363—An Act to prevent hunting and shooting on private grounds in the Counties of Alameda and San Mateo.

Also, Assembly Concurrent Resolution No. 19—For the establishment of a mail route from Moore's Flat to Graniteville.

And, on the second instant, passed Assembly Bill No. 520—An Act fixing the time at which the Board of Supervisors of the County of San Joaquin shall hold their regular sessions.

And, on the third instant, passed Assembly Bill No. 360—An Act to authorize the building of a wharf in the Bay of Crescent City, Del Norte County.

Also, Assembly Bill No. 131—An Act to authorize James H. Thompson and Wm. Stannas, and their associates, successors and assigns, to build and maintain a wharf at the City of Vallejo, County of Solano.

Also, Assembly Bill No. 120—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of the several counties of this State to grant the right to construct wharves on the overflowed and submerged lands of this State, approved April eighth, eighteen hundred and fifty-eight.

Also, Assembly Bill No. 133—An Act to authorize Michael S. Dervin and his associates and assigns to construct, maintain and use a wharf at the City of Vallejo, County of Solano.

And, on the fourth instant, passed Assembly Bill No. 441—An Act to authorize the Board of Trustees of the City of Sacramento to allow a certain claim therein mentioned.

Also, Assembly Bill No. 543—An Act to amend an Act entitled an Act to amend an Act entitled an Act to organize and regulate townships in San Mateo County, etc.

And concurred in Senate amendments to Assembly Bill No. 245.

And, on this day, passed Senate Bill No. 477—An Act to provide for redeeming and paying the warrants outstanding against Tuolumne County, and for paying the county expenses of Tuolumne County in cash, and defining and limiting the powers and duties of certain officers in relation thereto.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 441, above reported, read first and second times and referred to the Sacramento delegation.

Assembly Bill No. 499, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 543, above reported, read first and second times, rules suspended, bill read a third time and passed.

Assembly Bill No. 520, above reported, read first and second times and referred to the San Joaquin delegation.

Assembly Bill No. 133, above reported, read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 120, above reported, read first and second times and referred to the Committee on Swamp and Overflowed Lands.

Assembly Bill No. 136, above reported, read first and second times and referred to the Alameda and San Mateo delegations.

Assembly Bill No. 131, above reported, read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 360, above reported, read first and second times and placed on file.

Assembly Concurrent Resolution No. 19, above reported, read first and second times, rules suspended, resolution read a third time and adopted.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the first instant, passed Assembly Bill No. 375—An Act to amend an Act entitled an Act to establish the County of Fresno

And, on the third instant, passed Assembly Concurrent Resolution No. 42—For the establishment of a mail route in Santa Clara County.

And, on the fourth instant, passed Assembly Bill No. 551—An Act in relation to the county officers of Sierra County.

And, on the fifth instant, passed Senate Bill No. 248—An Act to provide for the payment of certain salaries in the County of Calaveras.

Also, Assembly Concurrent Resolution No. 44—Relative to printing additional copies of the report of the State Agricultural Society.

And, on this day, concurred in Senate amendments to Assembly Bill No. 44 and to Assembly Concurrent Resolution No. 10.

And passed Assembly Bill No. 349—An Act to provide for the building of a bridge and roadway across the Estuary of San Antonio, in the County of Alameda

Also, passed Senate Bill No. 63—An Act to amend an Act entitled an Act concerning divorces, passed March twenty-fifth, eighteen hundred and fifty-one.

Also, Senate Bill No. 204—An Act to protect the rights of married women in certain cases.

Also, Senate Bill No. 394—An Act to fix the terms of the District Court of the First Judicial District of the State of California.

Also, Senate Bill No. 229—An Act to provide for the settlement of statements on appeal and on motion to set aside reports of Commissioners in certain cases.

Also, Senate Bill No. 83—An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Also, Senate Bill No. 238—An Act making appropriations for deficiencies in the appropriations for the twenty-first fiscal year.

Also, Senate Bill No. 340—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the establishment, maintenance and protection of public and private roads.

Also, Senate Bill No. 285—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March thirty-first, eighteen hundred and sixty-six.

Also, Senate Bill No. 144—An Act to authorize W. Vanderhurst et al. to construct a railroad from the City of Monterey to the Town of Salinas.

Also, Senate Concurrent Resolution No. 19—Relative to a mail route from San Diego to Salt Lake.

Also, Senate Bill No. 89—An Act supplementary to an Act entitled an Act concerning assessments upon the stock of corporations, approved March twenty-sixth, eighteen hundred and sixty-six.

Also, Senate Bill No. 159—An Act in relation to road indebtedness of Tuolumne County, incurred in the years eighteen hundred and sixty-six and eighteen hundred and sixty seven.

Also, amended and passed Senate Bill No. 323—An Act to provide for the liquidation of the floating indebtedness of the County of Santa Barbara, and to repeal sections eight and eleven of an Act entitled an Act to fix the compensation of officers, to provide for funding the county



debt of Santa Barbara County and prohibit the contracting of any new indebtedness against said county, approved April fourth, eighteen hundred and sixty-four.

Also, passed Senate Bill No. 314—An Act authorizing the Trustees of the San Francisco Lying-in Hospital and Foundling Asylum to take the charge of, bind out and give away children coming under their care.

Also, Senate Concurrent Resolution No. 24—Relative to tax on distilleries.

And indefinitely postponed Senate Bill No. 45—An Act amendatory of and supplementary to an Act entitled an Act relating to the Board of Supervisors of the City and County of San Francisco, and more particularly defining their powers and duties, approved March thirtieth, eighteen hundred and sixty-nine.

Also, amended and passed Senate Bill No. 393—An Act to provide for the construction and maintenance of a wagon road in Lake County.

Also, adopted Assembly Concurrent Resolution No. 45—Relative to printing the fee and salary bill.

CRAWFORD,  
Assistant Clerk.

[President pro tem. in the chair.]

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 349, above reported, read first and second times and referred to the Alameda delegation.

Assembly Bill No. 375, above reported, read first and second times and referred to the Committee on Counties and County Boundaries.

Assembly Concurrent Resolution No. 42, above reported, read first and second times and referred to the Santa Clara delegation.

Assembly Bill No. 551, above reported, read first and second times, rules suspended, bill read a third time and passed.

Senate Bill No. 323, above reported, amendments of Assembly concurred in by the Senate.

Senate Bill No. 393, above reported, amendments of Assembly concurred in by the Senate.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Lewis—An Act to authorize the Counties of Tehama and Colusa to aid in the construction of the railroad proposed to be built by the Benicia and Red Bluff Railroad Company.

Read first and second times and referred to the Committee on Corporations.

By Mr. Mandeville—An Act to authorize an appropriation of eight hundred dollars to pay J. M. Sharkey, M. D., for medical attendance and medicines supplied the Hon. Thomas Campbell, deceased, during his last illness.

Read first and second times and referred to the Committee on Claims.

By Mr. Farley—An Act to provide for the redemption of the outstanding warrants of Amador County, and to prevent a further increase of the indebtedness of said county.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Kincaid—An Act to provide for the construction of a wagon

road from Redwood City to the Town of Pescadero, in the County of San Mateo, and other matters relating thereto.

Read first and second times and referred to the Committee on Roads and Highways, and ordered printed.

By Mr. Pendegast—An Act concerning the State Normal School.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Tweed—An Act relating to the care and custody of minor children in certain cases.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

Mr. Larkin moved to suspend the rules, and take up and consider Senate Bill No. 62—An Act to amend an Act entitled an Act for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one.

On motion of Mr. Kincaid, the bill was ordered on top of file for Thursday next.

On motion of Mr. Minis, the rules were suspended and Senate took up Senate Bill No. 320—An Act for the relief of Mary Likens.

The rules were further suspended, bill considered engrossed, read a third time and passed.

Mr. Betge moved to suspend the rules and take up Senate Bills Nos. 195, 114, 115 and 194.

Lost.

#### PETITIONS.

By Mr. Tweed—Petition for woman suffrage.

Read and referred to the Special Committee on Woman Suffrage.

By Mr. Wilson—From citizens of Los Angeles, against the passage of a bill for the creation of the County of Anaheim.

Referred to the Committee on Counties and County Boundaries.

At four o'clock and thirty minutes P. M., on motion of Mr. Maclay, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

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#### IN SENATE.

SENATE CHAMBER,  
Tuesday, March 8th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## PETITIONS.

By Mr. Perkins—From citizens of Oroville, against the passage of a bill granting a special franchise to certain parties.

Referred to the Committee on Corporations.

By Mr. Orr—From citizens of San Joaquin County, for the passage of a pound law for said county.

Read and referred to the Committee on Agriculture.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 527—An Act to authorize the County of Sacramento to issue bonds to raise money for Court-house and jail purposes.

Also, Senate Bill No. 400—An Act to amend an Act entitled an Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds, approved April fourth, eighteen hundred and sixty-four.

Also, Senate Bill No. 320—An Act for the relief of Mary Likins and others.

Also, Senate Bill No. 399—An Act to amend an Act to provide for paying certain equitable claims against the State of California, and to contract a funded debt for that purpose, approved April twenty-eighth, eighteen hundred and fifty-seven.

O'CONNOR, Chairman.

Mr. Tompkins, for the Alameda delegation, made the following report :

Mr. PRESIDENT: The Alameda delegation, to whom was referred Assembly Bill No. 349—An Act to provide for the building of a bridge and roadway across the Estuary of San Antonio, in the County of Alameda—have had the same under consideration, and now respectfully report, that said Act was prepared under the direction of the Board of Supervisors of Alameda County, to enable them to rebuild the bridge over the San Antonio Creek, on the main road between Oakland and San Leandro; that said bridge is several hundred feet in length and is now in a dangerous condition; that it is necessary that the Supervisors should have the power asked for with the least possible delay, and the undersigned, therefore, recommend the passage of the bill.

TOMPKINS, for Delegation.

On motion of Mr. Tompkins, the rules were suspended for the consideration of Assembly Bill No. 349, above reported.

The rules were further suspended, bill considered engrossed, read a third time and passed.

Mr. Curtis, from the Committee on Claims, made the following report :

Mr. PRESIDENT: The Committee on Claims have had under consideration Senate Bill No. 486—An Act to pay for work done in the State

Land Office; also, Senate Bill No. 514—An Act for the relief of J. Scott Ashman, formerly Sheriff of Fresno County—and report them back to the Senate, and respectfully recommend their passage.

CURTIS, Chairman.

Mr. Curtis, for the Sacramento delegation, made the following report:

MR. PRESIDENT: The Sacramento delegation, to whom was referred Senate Bill No. 140—An Act granting to certain parties the right to lay down, maintain and operate street railways in the City of Sacramento; also, Senate Bill No. 366—An Act granting to certain persons therein named the right to lay a railroad track along certain streets in the City of Sacramento; also, Assembly Bill No. 429—An Act granting a street railroad franchise in the City and County of Sacramento—report the same back without recommendation.

CURTIS,  
COMTE,  
Delegation.

Mr. Orr, for the San Joaquin delegation, made the following report:

MR. PRESIDENT: The San Joaquin delegation, to whom was referred Assembly Bill No. 371—An Act concerning Notaries Public in the County of San Joaquin—report the same back and recommend its passage.

ORR, for Delegation.

Rules suspended and bill above reported read a third time and passed.

Mr. Maclay verbally reported Assembly Concurrent Resolution No. 42, and recommended its passage.

The rules were suspended, and the resolution above reported read a third time and passed.

Mr. Saunders, for the San Francisco delegation, made the following report:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 415—An Act supplementary to an Act entitled an Act to establish a quarantine for the bay and harbor of San Francisco and sanitary regulations for the City and County of San Francisco, approved April second, eighteen hundred and sixty-six—having had the same under consideration, report the same back to the Senate, with the following amendments: Amend the title, by inserting after the first word "Act," in line one, page one, the words "amendatory of and." Strike out the whole of section one, and insert in lieu thereof the following: "Section 1. Section four of said Act is hereby amended so as to read as follows: Sec. 4. There shall be a Board of Health in and for said city and county, consisting of the Mayor, the Coroner, the Quarantine Officer and four (4) licensed physicians, residents of the City and County of San Francisco, to be appointed by the Governor. The Health Officer shall be appointed by the Board of Health, and shall hold office during the pleasure of said Board." Strike out the word "two," in line four, of section three, page two, and insert instead thereof the word "four." Strike out all of section six, after the word "laws," in line ten of said section, page three. After the word "same," in line seventeen, of section eight, page four, insert: "Sec. 9. The Board of Health

shall have power to appoint all persons employed in and about the Hospital, Almshouse and other sanitary institutions of the said City and County of San Francisco, and all medical officers in other public institutions of said city and county." Strike out the figure "9," of section nine, and insert instead thereof the figures "10," and strike out the figures "10," in section ten, and insert instead thereof the figures "11;" and as amended recommend its passage.

SAUNDERS, for Delegation.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 7th, 1870. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved substitute for Senate Bill No. 272—An Act to regulate fees and salaries of officers and defining their duties, in the County of El Dorado, and other matters relating thereto.

H. H. HAIGHT,  
Governor.

The Secretary of the Senate made a report of the names of officers and attachés of the Senate, and committee clerks, as per resolution heretofore adopted.

The report was read and referred to the Committee on Contingent Expenses.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Concurrent Resolution No. 15, reported on yesterday, was read and referred to the Joint Committee on Printing

Assembly Concurrent Resolution No. 44, reported on yesterday, read and referred to the Joint Committee on Printing.

The rules were suspended, and Mr. Irwin had leave to introduce the following resolution :

*Resolved*, That the Special Committee on Fees and Salaries be and the same is hereby discharged.

Adopted.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Roberts—An Act authorizing the sale of certain legal tender notes.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Irwin—An Act to provide for refunding to Joseph R. Patterson certain moneys paid by him into the Swamp Land Fund, together with interest on the same.

Read first and second times and referred to the Committee on Claims.

By Mr. Betge—An Act concerning the salaries of certain officers therein named.

Read first and second times and referred to the San Francisco delegation.

By Mr. Kincaid—An Act authorizing the Board of Supervisors of San Mateo County to allow and the Treasurer to pay a certain claim of Charles Carvalho, for interpreting.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Minis—An Act to appropriate funds for the relief of the several orphan asylums of this State

Read first and second times and referred to the Finance Committee.

By Mr. McDougall—An Act to empower the County of Monterey to aid in the construction of the Monterey and Salinas Valley Railroad.

Read first and second times and referred to the Committee on Corporations.

By Mr. Hager—An Act relating to the Home of the Inebriate of San Francisco and to prescribe the powers and duties of the Board of Managers and the officers thereof.

Read first and second times and referred to the Committee on Public Morals.

On motion of Mr. Betge, the usual number of Senate Bill No. 534 was ordered printed.

Mr. Banvard had leave to withdraw substitute for Senate Bill No. 59.

Mr. Maclay had leave to make the following report :

MR. PRESIDENT: Your Committee on Education, to whom was referred Senate Bill No. 530—An Act to amend an Act entitled an Act to reorganize and provide for the institution for the education and care of the Deaf and Dumb and Blind in the State of California, approved March thirty-first, eighteen hundred and sixty-six—have had the same under consideration, and recommend its passage.

MACLAY, Chairman.

[President pro tem. in the chair.]

#### GENERAL FILE.

Senate Bill No. 243—An Act to empower the Counties of Stanislaus, Merced, Fresno, Tulare and Kern to aid in the construction of a railroad in said counties.

Considered in Committee of the Whole and amended.

#### IN SENATE.

[President in the chair.]

Amendments made in Committee of the Whole concurred in by the Senate.

Mr. Fowler moved to amend by striking out "Tulare, Fresno and Kern" wherever the same appears in the bill.

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. O'Connor, Fowler and Lewis, and the Senate refused, by the following vote :

AYES—Messrs. Farley, Fowler, Hunter, Larkin, Lewis, Mandeville, McDougall, Minis, O'Connor, Pendegast and Perkins—11.

NOES—Messrs. Burnett, Chappell, Comte, Curtis, Green, Gwin, Hutchings, Irwin, Kincaid, Lawrence, Maclay, Morrill, Murch, Orr, Pacheco, Roberts, Saunders, Tompkins, Wilson and Wing—20.

[Mr. Mandeville in the chair.]

Mr. Fowler moved to amend by striking out "Kern County" wherever the same appears in the bill.

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Fowler, Lewis and Larkin.

On motion of Mr. Lewis, at four o'clock and twenty-five minutes P. M., the Senate took a recess until this evening, at seven and a half o'clock.

#### REASSEMBLED.

Senate reassembled at seven and a half o'clock P. M.

President pro tem. in the chair.

Roll called.

Quorum present.

The ayes and noes having been demanded upon the adoption of the amendment to strike out Kern County from the bill.

The roll was called, and the Senate refused, by the following vote:

**AYES**—Messrs. Farley, Fowler, Lewis, Minis, O'Connor, Perkins and Tweed—7.

**NOES**—Messrs. Banvard, Betge, Burnett, Chappell, Conly, Curtis, Green, Hutchings, Irwin, Lawrence, Maclay, Murch, Orr, Tompkins, Turner, Wilson and Wing—17.

Mr. Lawrence moved to suspend the rules and consider the bill engrossed, and place it on its final passage.

Mr. Minis moved a call of the Senate.

Lost.

#### REPORT.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

**MR. PRESIDENT:** The Committee on Engrossment have examined and find correctly engrossed substitute for Senate Bill No. 244—An Act to empower the City and County of San Francisco and Counties of Monterey and San Luis Obispo to aid in the construction of the Southern Pacific Railroad and other purposes.

O'CONNOR, Chairman.

Mr. O'Connor offered the following amendment: Amend, by striking out "the first Tuesday of June next," and insert "the first Tuesday of May next," in section one, as now amended.

Mr. Murch raised the point of order, that the amendment could not be entertained until the question to suspend the rules was decided.

The President pro tem. decided the point of order to be not well taken.

Mr. Murch appealed from the decision of the chair.

Upon the question, "Shall the decision of the chair stand as the judgment of the Senate?" the ayes and noes were demanded by Messrs. Fowler, O'Connor and Murch, and the Senate refused, by the following vote:

**AYES**—Messrs. Burnett, Comte, Conn, Farley, Fowler, Hunter, Irwin, Larkin, Mandeville, Minis, O'Connor and Turner—12

**NOES**—Messrs. Banvard, Beach, Betge, Chappell, Conly, Curtis, Green, Gwin, Hutchings, Lawrence, Maclay, Murch, Orr, Roberts, Saunders, Tompkins, Wilson and Wing—18.

The President pro tem. decided that all motions made relative to the bill and other matter, since the reassembling of the Senate, to be out of order, as there was a special order for this evening, at seven and a half o'clock.

On motion of Mr. Betge, the special order for the evening, at seven and a half o'clock, was temporarily discharged, for the consideration of Senate Bill No. 243.

[President in the chair.]

Mr. Lawrence had leave to withdraw his motion to suspend the rules and consider the bill engrossed.

Mr. O'Connor again offered the following amendment: Amend, by striking out "the first Tuesday of June next," and insert "the first Tuesday of May next," in section one, as now amended.

Mr. Tompkins raised the point of order, that the amendment was out of order, as the Senate, acting as in Committee of the Whole, amended the bill by striking out "May" and inserting "June," and that the amendment of the committee was concurred in by the Senate.

The President decided the point of order to be well taken.

Mr. Mandeville moved to reconsider the vote by which the Senate concurred in amendments made in Committee of the Whole.

Lost.

Mr. O'Connor offered the following amendment: Amend, by adding the following to the end of the first section: "*Provided*, that no person shall be entitled to vote at the elections provided for in this Act who shall not be a qualified voter of the county in which he shall propose to vote at the time this Act shall be approved."

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. O'Connor, Fowler and Larkin, and the Senate refused, by the following vote:

**AYES**—Messrs. Farley, Fowler, Hunter, Irwin, Larkin, Lewis, Mandeville, Minis, O'Connor, Pendegast, Perkins and Turner—12.

**NOES**—Messrs. Banvard, Beach, Burnett, Chappell, Comte, Conly, Conn, Curtis, Green, Gwin, Hutchings, Kincaid, Lawrence, Maclay, Morrill, Murch, Orr, Pacheco, Roberts, Saunders, Tompkins, Wand, Wilson and Wing—24.

On motion of Mr. Pendegast, the rules were suspended, bill considered engrossed and read a third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Pendegast, Lewis and Fowler, and the bill was passed, by the following vote:

**AYES**—Messrs. Banvard, Beach, Betge, Burnett, Chappell, Comte, Conly, Conn, Curtis, Green, Gwin, Hutchings, Irwin, Kincaid, Lawrence, Maclay, Morrill, Murch, Orr, Pacheco, Roberts, Saunders, Tompkins, Turner, Wand, Wilson and Wing—27.

**NOES**—Messrs. Farley, Fowler, Hager, Hunter, Larkin, Lewis, Mandeville, Minis, O'Connor, Pendegast and Perkins—11.



On motion of Mr. Lewis, Senate Concurrent Resolution No. 17—Relative to the proposed Fifteenth Amendment—special order for this evening, at seven and a half o'clock, was placed second on file for to-morrow.

## REPORT.

Mr. Morrill, from the Committee on Enrolment, made the following report:

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 53—An Act to repeal an Act entitled an Act to authorize the sale and conveyance to the San Mateo Tanning and Manufacturing Company certain overflowed lands in the County of San Mateo, approved March thirtieth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 117—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

Also, Senate Bill No. 79—An Act for the regulation of sailors' boarding houses and of shipping offices in the City and County of San Francisco.

Also, Senate Bill No. 248—An Act to provide for the payment of certain salaries in the County of Calaveras.

And this day, at twelve o'clock and ten minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

At nine o'clock P. M., on motion of Mr. Larkin, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

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IN SENATE.

SENATE CHAMBER,  
Wednesday, March 9th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

**Mr. PRESIDENT:** The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 536—An Act to regulate fees of office and salaries of officers in Siskiyou County.

Also, Senate Bill No. 542—An Act relating to the care and custody of minor children in certain cases.

Also, Senate Bill No. 545—An Act authorizing the Board of Supervisors of San Mateo County to allow and the County Treasurer to pay certain claim of Charles Carvalho for interpreting.

Also, Senate Bill No. 540—An Act to provide for the redemption of the outstanding warrants of Amador County, and to prevent a further increase of the indebtedness of said county.

Also, Senate Bill No. 543—An Act authorizing the sale of certain legal tender notes.

Also, Senate Bill No. 537—An Act concerning the State Normal School.

O'CONNOR, Chairman.

**Mr. Burnett**, from the Committee on Public Expenditures, made the following report:

**Mr. PRESIDENT:** The Committee on Public Expenditures, to whom was referred Senate Bill No. 500—An Act relative to the care and management of the State Burial Ground, and making an annual appropriation therefor—report the bill back and recommend its passage.

BURNETT, Chairman.

**Mr. Lawrence**, from the Committee on Printing, made the following report:

**Mr. PRESIDENT:** The Committee on Printing, to whom was referred Assembly Concurrent Resolution No. 45—Relative to printing fee and salary bill—have had the same under consideration and report the same back, recommending its passage.

Your committee have also had under consideration Assembly Concurrent Resolution No. 44—Relative to printing additional copies of the report of State Agricultural Society—and report it back, recommending its passage.

LAWRENCE, Chairman.

On motion of **Mr. Mandeville**, the rules were suspended for the consideration of Assembly Concurrent Resolutions Nos. 45 and 44, above reported.

The resolutions were severally read a third time and adopted.

**Mr. Comte** verbally reported a substitute for Assembly Bill No. 441 with the recommendation that the same do pass.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
March 8th, 1870. }

**Mr. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on yesterday, passed Senate Bill No. 73—An Act to amend

an Act entitled an Act to more clearly define the boundaries of Sacramento, Placer and Sutter Counties.

Also, Senate Bill No. 536—An Act to regulate fees of office and salaries of officers in Siskiyou County.

Also, Senate Bill No. 537—An Act concerning the State Normal School.

And, on the fifth instant, passed Assembly Bill No. 467—An Act to prescribe the duties of certain officers in the County of Butte.

Also, Assembly Bill No. 510—An Act to amend an Act entitled an Act to incorporate the City of Sacramento.

Also, Assembly Bill No. 533—An Act to authorize the Supervisors of Fresno County to transfer moneys from one fund to another.

Also, Assembly Bill No. 288—An Act for the relief of John L. Rigg, Tax Collector of Del Norte County.

Also, Assembly Bill No. 386—An Act to legalize the acts and proceedings of the Mayor and Common Council of the City of Sonoma.

And, on this day, passed Senate Bill No. 352—An Act relating to Yreka School District, in Siskiyou County.

And I am also directed to return Assembly Bill No. 454, that the amendments attached by the Senate may be properly indorsed.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 9th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, amended and passed Senate Bill No. 280—An Act amendatory of and supplementary to an Act entitled an Act to authorize the Judges of the Supreme Court to employ a Secretary, approved April twenty-third, eighteen hundred and fifty-eight.

Also, passed Senate Bill No. 56—An Act to authorize Harriet Wilkins, administratrix of the estate of Henry Wilkins, deceased, to sell the real and personal estate of said deceased.

Also, passed Senate Bill No. 10—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Also, passed Senate Bill No. 458—An Act entitled an Act to amend an Act entitled an Act to amend an Act concerning roads and highways in the Counties of Mariposa and Tulare, approved January seventeenth, eighteen hundred and sixty-six.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 8th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 255—An Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island, Vallejo and Benicia.

CRAWFORD,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 533, above reported, read first and second time and referred to the Fresno delegation.

Assembly Bill No. 510, above reported, read first and second time and referred to the Sacramento delegation.

Assembly Bill No. 467, above reported, read first and second times and referred to the Butte delegation.

Assembly Bill No. 288, above reported, read first and second time and referred to the Committee on Claims.

Substitute for Assembly Bill No. 336, above reported, read first and second times and referred to the Sonoma delegation.

Senate Bill No. 280, above reported, amendments made by the Assembly concurred in by the Senate.

Senate Bill No. 255, above reported, amendments made by the Assembly concurred in by the Senate.

## PETITIONS.

By Mr Saunders—From citizens of San Francisco, against the passage of a bill for the extension of Montgomery street.

Read and referred to the San Francisco delegation.

By Mr. Pendegast—From a committee of the Grand Lodge of the Independent Order of Good Templars.

Referred to the Finance Committee and ordered printed.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Hager—An Act to provide for the submission to the people of the proposed amendment to the Constitution of the State, as proposed by the Legislature at its sixteenth session and adopted by the Legislature at its seventeenth session, to the votes of the qualified electors at the next general election

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Burnett—An Act granting to the City of Petaluma tide lands within said city.

Read first and second times and referred to the Committee on Swamp, Tide and Overflowed Lands.

Also, an Act amendatory of and supplemental to an Act to incorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight.

Read first and second times and referred to the Committee on Corporations.

By Mr. Saunders—An Act to amend an Act to provide for paving the streets in the City and County of San Francisco, approved April second, eighteen hundred and sixty-six.

Read first and second times and, with accompanying documents, referred to the San Francisco delegation.

By Mr. Comte—An Act to extend the time allowed to the Southern Pacific Railroad Company, and the Western Pacific Railroad Company, in which to make the terminus of their roads upon certain lands donated to them by the State for that purpose, in the City and County of San Francisco.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Kincaid—An Act to authorize the Boards of Supervisors of the Counties of San Mateo and Santa Clara to donate certain railroad stocks to the Southern Pacific Railroad Company, to aid in the construction of the road of said company.

Read first and second times and referred to the Santa Clara and San Mateo delegations.

MOTIONS, RESOLUTIONS AND NOTICES.

By Mr. Hunter :

*Resolved*, That A. Sites be and is hereby authorized to write up Appendix to Senate Journal, at such price as the Committee on Contingent Expenses may award.

Read and referred to the Committee on Contingent Expenses.

By Mr. Banvard :

*Resolved*, That C. E. Fisher be and is hereby appointed to copy and arrange the Appendices to the Journals of the Senate of the eighteenth session of the Legislature, for the State Printer.

Read and referred to the Committee on Contingent Expenses.

By Mr. Betge :

*Resolved*, That John M. Crawford be and he is hereby appointed to copy the Appendices of the Senate for the eighteenth session of the Legislature, at eight (8) cents per folio; and when completed, the said John M. Crawford shall deliver the work done to the Controller of State, who shall compute and audit the same, and draw his warrant in favor of said John M. Crawford for the amount found to be due, payable out of the Contingent Fund of the Senate.

Read and referred to the Committee on Contingent Expenses.

By Mr. Minis :

*Resolved* by the Senate of the State of California, the Assembly concurring, That our Senators in Congress be instructed, and our Representatives requested, to use all proper efforts to have the City of Vallejo lawfully declared a port of entry under the laws of the United States.

*Resolved*, That his Excellency the Governor be and he is hereby requested to transmit a copy of this resolution to each of our Senators and Representatives in Congress.

Read first and second times, rules suspended, considered engrossed, read a third time and passed.

By Mr. Green :

*Resolved*, That when the Senate adjourns, it will adjourn to meet to-morrow morning at ten o'clock.

Mr. Murch gave notice that he would on to-morrow introduce an amendment to rule number eight of the standing rules of the Senate.

Mr. Conn gave notice that he would on to-morrow introduce a bill to authorize the County of San Diego to take and subscribe stock to the San Diego and Los Angeles Railroad Company.

Mr. Tompkins moved to take Senate Bill No. 183 from the file and place the same on top of the file for Tuesday next.

Lost.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 9th, 1870. }

Mr. PRESIDENT : I am directed to inform your honorable body that his Excellency the Governor having returned to the Assembly, on this day, Assembly Bill No. 152—An Act for the relief of Patrick Creighton, James Brennan and Patrick Donohue—without his approval, the Assembly refused to sustain the veto, and passed the bill by the constitutional majority. Said bill and veto message are presented to the Senate for its action.

CRAWFORD,  
Assistant Clerk.

On motion of Mr. Wand, the Governor's message, vetoing Assembly Bill No. 152, was made the special order for Friday next, at two o'clock P. M.

On motion of Mr. Orr, the rules were suspended, for the consideration of Senate Bill No. 453 and substitute for Senate Bill No. 328.

Senate Bill No. 453—An Act to empower the County of San Joaquin to aid in the construction of the Stockton and Visalia Railroad.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 328—An Act to empower the City of Stockton to aid in the construction of the Stockton and Visalia Railroad.

Rules suspended, bill considered engrossed, read a third time and passed.

#### GENERAL FILE.

Senate Bill No. 252—An Act to protect litigants.

Mr. Chappell moved to recommit the bill to the Committee on Printing, with the following instructions :

Amend section one by inserting, after the word "county," in third line, the following : " *Provided*, the said District Judge, when there are more than one newspaper published in any county, shall receive sealed proposals for the publication of such legal advertising as is contemplated by this Act, and shall award said advertising to the paper which proposes to do the same on the lowest terms."

Upon which the ayes and noes were demanded by Messrs. Green, Murch and Chappell, and the Senate refused, by the following vote :

**AYES**—Messrs. Beach, Chappell, Conly, Green, Larkin, Murch, O'Connor, Orr, Pacheco, Perkins, Roberts, Tompkins and Tweed—13.

**NOES**—Messrs. Betge, Burnett, Comte, Conn, Curtis, Farley, Fowler, Gwin, Hager, Hunter, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, Pendegast, Saunders and Wand—21.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Lewis, Mandoville and Conn, and the bill was passed, by the following vote :

**AYES**—Messrs. Betge, Burnett, Comte, Curtis, Farley, Gwin, Hunter, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, Pendegast, Saunders and Wand—18.

**NOES**—Messrs. Beach, Chappell, Conly, Conn, Fowler, Green, Hager, Larkin, Murch, O'Connor, Orr, Pacheco, Perkins, Roberts, Tompkins and Tweed—16.

[Mr. Mandeville in the chair.]

Mr. Tweed had leave to withdraw the petition for woman suffrage, for the purpose of transmitting the same to the Assembly.

Senate Concurrent Resolution No. 17—Relative to the proposed Fifteenth Amendment.

Made the special order for Tuesday evening next, at seven and a half o'clock.

Senate Bill No. 200—An Act supplementary to an Act entitled an Act prescribing certain conditions for the transaction of insurance business in the State of California.

At twelve o'clock and fifteen minutes P. M. Mr. Comte moved a call of the house, which was ordered.

The roll was called and the following named Senators were found to be absent without leave :

Messrs. Banvard, Betge, Conn, Curtis, Farley, Green, Gwin, Hunter, Hutchings, Larkin, Maclay, Minis, Morrill, Orr, Pacheco, Pendegast, Saunders, Tompkins, Turner, Tweed, Wilson and Wing.

Messrs. Betge, Green, Gwin, Hunter, Larkin, Maclay, Minis, Saunders, Tompkins, Turner and Tweed appeared at the bar of the Senate and were severally admitted, made satisfactory excuse and were excused.

On motion of Mr. Conly, the further proceedings under the call were dispensed with.

The substitute reported by the committee for Senate Bill No. 200 was adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 159—An Act to encourage the production and sale of pure and wholesome milk, and to punish the production and sale of unwholesome and adulterated milk.

Read a third time and passed.

Assembly Bill No. 213—An Act amendatory of an Act entitled an Act supplementary to an Act entitled an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba and Santa Clara, approved May seventeenth, eighteen hundred and sixty-one.

Read a third and passed.

Assembly Bill No. 129—An Act to repeal an Act entitled an Act supplementary to an Act to prevent the trespassing of animals upon private property, approved March thirty-first, eighteen hundred and fifty-five.

Indefinitely postponed.

Assembly Bill No. 330—An Act entitled an Act to amend an Act restricting the herding of sheep to certain pastures in the Counties of

Sonoma and Marin, approved April twentieth, eighteen hundred and sixty.

Amendments of committee adopted.

Read a third time and passed.

Assembly Bill No. 273—An Act to authorize the construction of a turnpike road from the Town of Truckee to Hot Springs and State line.

Indefinitely postponed.

Assembly Bill No. 429—An Act granting a street railroad franchise in the City and County of Sacramento.

Considered in Committee of the Whole.

Mr. Curtis offered a substitute for the bill, which was adopted.

#### IN SENATE.

Upon the adoption of the substitute reported by Committee of the Whole, the ayes and noes were demanded by Messrs. Comte, Green and Minis, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Betge, Burnett, Chappell, Conn, Curtis, Farley, Green, Irwin, Mandeville, Murch, O'Connor, Orr, Pacheco, Roberts, Turner, Tweed, Wand, Wilson and Wing—20.

**NOES**—Messrs. Comte, Gwin, Hunter, Lawrence, Lewis, McDougall, Minis and Perkins—8.

The bill was then read a third time and passed.

[President in the chair.]

Substitute for Senate Bills Nos. 143 and 107—An Act to provide for the restoration and preservation of fish.

Substitute reported by Judiciary Committee adopted.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Upon ordering the bill engrossed, the ayes and noes were demanded by Messrs. Larkin, Murch and Betge, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Betge, Conly, Conn, Curtis, Green, Gwin, Hager, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Orr, Pendegast, Perkins, Roberts, Tompkins, Turner, Tweed, Wand, Wilson and Wing—25.

**NOES**—Messrs. Beach, Burnett, Comte, Farley, Fowler, Hunter, Larkin, Murch and O'Connor—9.

Senate Bill No. 125—An Act for the encouragement of agriculture and the invention and construction of a locomotive steam plough.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the the Senate.

Upon ordering the bill engrossed, the ayes and noes were demanded



by Messrs. Larkin, Irwin and Green, and the Senate refused, by the following vote :

**AYES**—Messrs. Betge, Burnett, Conn, Fowler, Kincaid, Lawrence, Lewis, Maclay, McDougall, Minis, Perkins, Roberts, Tompkins, Wand, Wilson and Wing—16.

**NOES**—Messrs. Banvard, Beach, Chappell, Comte, Curtis, Farley, Gwin, Hager, Hunter, Irwin, Larkin, Mandeville, Morrill, Murch, O'Connor, Orr, Saunders and Tweed—18.

Mr. Mandeville had leave to introduce the following resolution :

*Resolved*, That the Governor be and he is hereby requested to return to the Senate, for the purpose of correction, Senate Bill No. 146—An Act to divide the City of Oakland into wards and to provide for holding elections therein.

Adopted.

#### REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

**Mr. PRESIDENT** : The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 243—An Act to empower the Counties of Stanislaus, Merced, Fresno, Tulare and Kern to aid in the construction of a railroad in said counties.

O'CONNOR, Chairman.

Mr. Morrill, from the Committee on Enrolment, made the following report :

**Mr. PRESIDENT** : Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 238—An Act making appropriations for deficiencies in the appropriations for the twenty-first fiscal year.

Also, Senate Bill No. 393—An Act for the construction and maintenance of a wagon road in Lake County.

Also, Senate Bill No. 340—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the establishment, maintenance and protection of public and private roads.

Also, Senate Bill No. 229—An Act to provide for the settlement of statements on appeal and on motion to set aside reports of Commissioners in certain cases.

Also, Senate Bill No. 89—An Act supplementary to an Act entitled an Act concerning assessments upon the stock of corporations, approved March twenty-sixth, eighteen hundred and sixty-six.

Also, Senate Bill No. 394—An Act to fix the terms of the District Court of the First Judicial District of the State of California.

Also, Senate Bill No. 314—An Act authorizing the Trustees of the San Francisco Lying-in Hospital and Foundling Asylum to take the charge of, bind out and give away children coming under their care.

Also, substitute for Senate Bill No. 63—An Act to amend an Act concerning divorces, passed March twenty-fifth, eighteen hundred and fifty-one, and an Act supplementary thereto, approved April twenty-fourth,

eighteen hundred and fifty-seven, and Senate Bill No. 19, entitled an Act supplemental to an Act concerning divorces, passed March twenty-fifth, eighteen hundred and fifty-one.

Also, substitute for Senate Bill No. 204—An Act to protect the rights of married women in certain cases.

Also, Senate Concurrent Resolution No. 19—Relative to a mail route from San Diego to Salt Lake.

Also, Senate Concurrent Resolution No. 24—Relative to taxing distilleries.

Also, Senate Bill No. 83—An Act to amend an Act to regulate proceedings in civil cases in Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Also, Senate Bill No. 310—An Act amendatory of and supplementary to an Act entitled an Act to provide for the construction of the State Capitol in the City of Sacramento, approved March twenty-ninth, eighteen hundred and sixty.

And this day, at two o'clock and fifteen minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. Orr gave notice that he would on to-morrow move to reconsider the vote by which the Senate refused to order Senate Bill No. 125 engrossed.

Senate Bill No. 327—An Act to authorize the State Librarian to appoint an additional deputy, and to fix the compensation therefor.

Substitute reported by committee adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 20—An Act to provide for the payment of the State's portion of the salary of the County Auditor of Fresno County.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 100—An Act for the relief of John H. Smith.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 428—An Act to authorize the construction of a railroad in the Town of Santa Clara.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 289—An Act to better define the boundary line between Fresno and Mariposa Counties.

Amendments of committee adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 397—An Act to protect fishing in the Sacramento River.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Concurrent Resolution No. 32—Relative to the construction of a ship canal across the Isthmus of Darien or Panama.

Rules suspended, resolution considered engrossed, read a third time and passed.

Senate Concurrent Resolution No. 6 (Assembly substitute)—Concerning mineral lands.

Senate refused to concur in amendments of Assembly.

At four o'clock and five minutes P. M., on motion of Mr. Mandeville, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Thursday, March 10th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Rev. J. G. Johnson.

Journal of yesterday read and approved.

[Mr. Mandeville in the chair.]

## REPORTS.

Mr. Banvard, from the Committee on Finance, made the following report:

Mr. PRESIDENT: Your Committee on Finance have had under consideration Senate Bill No. 522—An Act making an appropriation for deficiency in the appropriation made for the twentieth and twenty-first fiscal years, ending July first, eighteen hundred and seventy—and recommend that it be amended by striking out section two, and recommend its passage as amended.

Also, Assembly Bill No. 209—An Act to authorize the Auditor of Butte County to issue a warrant to W. S. Reese—and report the same back, with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 293—An Act to provide for the payment of deficiency in the State Insane Asylum—and report the same back, with an amendment, and recommend its passage as amended.

Also, Senate Bill No. 513—An Act to pay for services rendered in the office of the State Surveyor-General—and recommend its passage.

Also, Assembly Bill No. 332—An Act in relation to delinquent taxes in the County of Alpine—and recommend that it do not pass.

BANVARD, Chairman.

Mr. Morrill, from the Committee on Enrolment, made the following report :

MR. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 537—An Act concerning the State Normal School.

And this day, at eleven o'clock and fifteen minutes A. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

On motion of Mr. Banvard, the rules were suspended for the consideration of Senate Bill No. 513, Assembly Bill No. 293 and Senate Bill No. 522, above reported from the Finance Committee.

Senate Bill No. 513—An Act to pay for services rendered in the office of the State Surveyor-General.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 293—An Act to provide for the payment of deficiency in the State Insane Asylum.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 522, above reported by the Finance Committee.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Farley, from the Committee on Federal Relations, made the following report :

MR. PRESIDENT: Your Committee on Federal Relations have had under consideration Senate Concurrent Resolution No. 30—Relative to the erection of a breakwater in the harbor of San Pedro—and report the same back and recommend its passage

FARLEY, Chairman.

Rules suspended and resolution above reported considered engrossed, read a third time and passed.

Mr. Curtis, from the Committee on Claims, made the following report :

MR. PRESIDENT: The Committee on Claims have considered Senate Bill No. 233—An Act for the relief of Thomas F. Davenport, late County Collector of Nevada County—report the same back and recommend its passage.

CURTIS, Chairman.

Rules suspended and bill above reported considered engrossed, read a third time and passed.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 453—An Act to empower the County of San Joaquin to aid in the construction of the Stockton and Visalia Railroad.

Also, substitute for Senate Bill No. 200—An Act supplementary to an Act prescribing certain conditions for the transaction of insurance business in the State of California, approved March twenty-sixth, eighteen hundred and sixty-six.

O'CONNOR, Chairman.

Mr. Larkin, from the Committee on State and County Revenue, made the following report :

Mr. PRESIDENT: The Committee on State and County Revenue, to whom was referred Senate Bill No. 535—An Act to enable the Counties of Mendocino, Humboldt, Klamath and Del Norte to issue bonds to aid in the construction of a telegraph line through said counties—have had the same under consideration, report the bill back and recommend its passage.

LARKIN, Chairman.

Rules suspended and bill above reported considered engrossed, read a third time and passed.

Mr. Saunders verbally reported Senate Bill No. 491 and Senate Bill No. 398, and recommended their passage.

On motion, the rules were suspended and Senate Bills Nos. 491 and 398, above reported, were severally considered engrossed, read a third time and passed.

Mr. Larkin verbally reported Senate Bill No. 508 and recommended that the same be referred to the Committee on Corporations.

[President pro tem. in the chair.]

Mr. Curtis verbally reported Senate Bill No. 228, without recommendation.

On motion, the rules were suspended for the consideration of Senate Bill No. 228, above reported.

On motion, the bill was referred to the Santa Cruz and San Mateo delegations.

On motion of Mr. Tompkins, Senate Bill No. 183 was placed at top of the file for Tuesday next.

On motion of Mr. Tweed, Senate Bill No. 62 was made the special order for Thursday next, at twelve o'clock m., and the testimony taken before the committee ordered printed.

Mr. Saunders, for the San Francisco delegation, presented the following majority report :

Mr. PRESIDENT: A majority of the San Francisco delegation, to whom was referred Senate Bill No. 447—An Act to make, open and establish a public street in the City and County of San Francisco, to be called Montgomery avenue, and to take private lands therefor—having had the same under consideration, respectfully report back to the Senate a

substitute therefor, and recommend the passage of the substitute, and that the same be printed.

SAUNDERS,  
WAND,  
HAGER.

Mr. Saunders, for the San Francisco delegation, made the following report:

Mr. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 313—An Act to authorize the Odd Fellows' Cemetery Association, of San Francisco, to borrow money for certain purposes and to secure the same by mortgage upon real estate; Assembly Bill No. 154—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and proceedings had thereunder; and Senate Bill No. 362—An Act to grant to certain persons the right of way for a railroad track, partly within the County of San Francisco and partly within the County of San Mateo, and to run horse cars thereon—having had the said bills under consideration, respectfully report the same back to the Senate and recommend their passage.

Also, having duly considered Assembly Bill No. 263—An Act for the relief of certain settlers on the outside lands of the City and County of San Francisco—beg leave to report the same back to the Senate, and respectfully recommend that it be referred to the Judiciary Committee.

SAUNDERS, for Delegation.

Mr. Perkins verbally reported Assembly Bill No. 467 and recommended its passage.

Assembly Bill No. 263, above reported by the San Francisco delegation, was referred to the Judiciary Committee.

On motion the rules were suspended for the consideration of Assembly Bill No. 313, above reported by the San Francisco delegation.

The rules were further suspended, bill considered engrossed, read a third time and passed.

Mr. Burnett made the following report:

Mr. PRESIDENT: The special committee, to whom was referred Assembly Bill No. 336—An Act to legalize the acts and proceedings of the Mayor and Common Council of the City of Sonoma—report the bill back and recommend its passage.

BURNETT.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 10th, 1870. }

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 333—An Act to authorize the Board of Supervisors of Plumas County to build certain wagon roads in said county.

Also, Senate Bill No. 248—An Act to provide for the payment of certain salaries in the County of Calaveras.

Also, Senate Bill No. 340—An Act to amend an Act entitled an Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the establishment, maintenance and protection of public and private roads, approved May sixteenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three, approved March twenty-fourth, eighteen hundred and sixty-six, approved March fourteenth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 393—An Act to provide for the construction and maintenance of a wagon road in Lake County.

Also, Senate Bill No. 89—An Act supplementary to an Act entitled an Act concerning assessments upon the stock of corporations, approved March twenty-sixth, eighteen hundred and sixty-six.

Also, Senate Bill No. 238—An Act making appropriations for deficiencies in the appropriations for the twenty-first fiscal year.

Also, Senate Bill No. 229—An Act to provide for the settlement of statements on appeal and on motion to set aside reports of Commissioners in certain cases.

Also, Senate Bill No. 394—An Act to fix the terms of the District Court of the First Judicial District of the State of California.

Substitute for Senate Bill No. 53—An Act to repeal an Act entitled an Act to authorize the sale and conveyance to the San Mateo Tanning and Manufacturing Company certain overflowed lands in the County of San Mateo, approved March thirtieth, eighteen hundred and sixty-eight.

Also, substitute for Senate Bill No. 204—An Act to protect the rights of married women in certain cases.

Also, Senate Bill No. 216—An Act to repeal an Act entitled an Act supplementary to the Act entitled an Act concerning crimes and punishments, approved April first, eighteen hundred and sixty-four.

Also, Senate Bill No. 537—An Act concerning the State Normal School.

H. H. HAIGHT,  
Governor.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 9th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the first instant, passed Assembly Bill No. 378—An Act to amend an Act entitled an Act to redistrict the County of Los Angeles and to provide for the election of Supervisors, approved March twenty-eighth, eighteen hundred and sixty-eight.

And, on the fifth instant, passed Assembly Bill No. 445—An Act concerning roads and highways in the County of Sutter.

Also, passed substitute for Assembly Bills Nos. 29 and 39—An Act to establish a Board of Police Commissioners for the City and County of San Francisco and to define their powers and duties.

And, on the seventh instant, passed Assembly Bill No. 57—An Act to establish a quarantine for the Bay and harbor of San Francisco, and sanitary regulations for the City and County of San Francisco.

And, on yesterday, passed Assembly Bill No. 518—An Act to authorize the guardian of Walter Price, a minor, to sell the real estate of said estate.

Also, that the Speaker has appointed, as committee on the part of the Assembly, under Assembly Concurrent Resolution No. 40, Messrs. Brown of Amador, Finney and Andrews.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 518, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 445, above reported, read first and second times and referred to the Committee on Roads and Highways.

Substitute for Assembly Bills Nos. 29 and 39, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 57, above reported, read first and second times and ordered on top of file for Monday next.

Assembly Bill No. 378, above reported, read first and second times and referred to the Los Angeles delegation.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 10th, 1870. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Assembly Bill No. 512—An Act establishing a commission for the revision of the laws.

Also, passed Senate Bill No. 303—An Act to equalize the rates of fare of the City Railroad Company with certain other street railroad companies in the City and County of San Francisco.

Also, passed Senate Bill No. 476—An Act to prevent the destruction of fish and game in, upon and around the waters of Lake Merritt or Peralta, in the County of Alameda.

Also, passed Senate Concurrent Resolution No. 35—Relative to granting leave of absence to Sidney Waite, of San Bernardino County.

And amended and passed Senate Bill No. 149—An Act concerning the Insane Asylum of the State of California.

Also, concurred in Senate amendments to Assembly Bills Nos. 454 and 330.

And, on this day, refused to recede from substitute for Senate Concurrent Resolution No. 6—Relative to mineral lands—and have appointed, as a Committee of Conference on the part of the Assembly, Messrs. Andrews, McMurry of Trinity and Brown of Amador.

I am also directed to return Senate Bill No. 527—An Act to authorize the County of Sacramento to issue bonds to raise money for Court-house and jail purposes—for the correction of clerical errors in the bill.

FERRAL,  
Clerk.



## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 512, above reported, ordered on top of file for Wednesday next.

Senate Bill No. 149, above reported, with amendments, made special order for March twenty-fourth.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Coun—An Act to empower the County of San Diego to aid in the construction of a railroad in said county.

Read first and second times and placed on file.

By Mr. Wilson—An Act to fund the debt of the City of Los Angeles, and to provide for the payment of the same.

Read first and second times and referred to the Finance Committee.

By Mr. Banvard—An Act to amend an Act entitled an Act to provide for the transfer of certain funds in the County of Placer, approved March twenty-eighth, eighteen hundred and sixty-eight.

Read first and second times and referred to the Finance Committee.

By Mr. Beach—An Act to quiet title to certain lands in the City and County of San Francisco.

Read first and second times and referred to the Committee on Swamp and Tide Lands.

By Mr. Pendegast—An Act to empower the Counties of Yolo, Colusa and Tehama to aid in the construction of a railroad in said counties.

Read first and second times and referred to the delegations named in the bill.

By Mr. Wand—An Act to amend an Act entitled an Act concerning trade marks and names, approved April third, eighteen hundred and sixty-three.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Kincaid—An Act to grant to Charles J. Janson a patent for certain lands for ship building purposes.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Green—An Act to authorize the sale and conveyance of certain overflowed and tide and submerged lands, in Marin County, to the Pioneer Ship Building Company.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Betge—An Act to authorize Thomas B. Lewis, J. W. Bucklin, H. B. Congdon and Philip Falk, and their associates, to construct and maintain a railroad in the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Lewis—An Act for the encouragement of agriculture.

Read first and second times and referred to the Committee on Agriculture.

By Mr. Kincaid—An Act for the relief of Thomas S. Miller.

Read first and second times and referred to the Committee on Claims.

By Mr. Hager—An Act to provide for the formation of corporations for certain purposes.

Read first and second times and referred to the Committee on Corporations.

By Mr. Orr—An Act to reincorporate the City of Stockton.

Read first and second times and referred to the San Joaquin delegation.

MOTIONS AND RESOLUTIONS.

Senate Bill No. 238 was ordered second on the file for to-morrow.

By Mr. Pendegast:

*Resolved* by the Senate, the Assembly concurring, That the Senate and Assembly meet in joint convention, in the Assembly Chamber, this Thursday evening, March tenth, eighteen hundred and seventy, at seven and a half o'clock P. M., for the purpose of selecting a site for the State Normal School.

Adopted.

By Mr. Orr:

*Resolved*, That the Committee on Agriculture are hereby directed to immediately report back to the Senate Assembly Bill No. 196—An Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six.

Adopted.

By Mr. Irwin:

*Resolved*, That the Clerk of the Committee on Agriculture be and he is hereby discharged.

Adopted.

By Mr. Perkins:

*Resolved* by the Senate, the Assembly concurring, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to procure, if possible, the abolition of the income tax.

*Resolved*, That his Excellency the Governor of this State be requested to forward a copy of this resolution to each of our Senators and Representatives in Congress.

Read first and second times, rules suspended, resolution considered engrossed, read a third time and passed.

By Mr. Murch:

Proposed amendment to the standing rules of the Senate. Amend rule eight so that it will read as follows:

Rule 8. All questions relating to the priority of business and all motions to suspend the rules shall be decided without debate.

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Murch, Green and McDougall, and the Senate refused, by the following vote:

AYES—Messrs. Beach, Betge, Green, Hutchings, Irwin, Kincaid, Murch, Orr, Perkins, Roberts, Tompkins and Wing—12.

**NOES**—Messrs. Burnett, Conn, Farley, Fowler, Gwin, Hager, Hunter, Larkin, Lawrence, Lewis, Mandeville, McDougall, Minis, O'Connor, Wand and Wilson—16.

#### REPORT.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

**Mr. PRESIDENT:** The Committee on Engrossment have examined and find correctly engrossed substitute for Senate Bill No. 328—An Act to empower the City of Stockton to aid in the construction of the Stockton and Visalia Railroad.

O'CONNOR, Chairman.

The Senate took up resolution introduced by Mr. Green on yesterday, relative to changing the hour of meeting.

Mr. Farley moved to amend by inserting "on and after Monday next."

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Green, Banvard and Wand, and the Senate refused, by the following vote :

**AYES**—Messrs. Burnett, Conn, Curtis, Farley, Fowler, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Mandeville, McDougall, Murch, Tompkins and Wilson—18.

**NOES**—Messrs. Beach, Betge, Chappell, Green, Minis, O'Connor, Orr, Perkins, Roberts, Turner, Wand and Wing—12.

Pursuant to notice, Mr. Orr moved to reconsider the vote by which Senate refused to order Senate Bill No. 125 engrossed.

Upon which the ayes and noes were demanded by Messrs. Betge, Perkins and Green, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Beach, Betge, Burnett, Chappell, Conn, Fowler, Green, Hutchings, Kincaid, Lawrence, Lewis, Maclay, McDougall, Minis, Orr, Pendegast, Perkins, Roberts, Tompkins, Turner, Wand, Wilson and Wing—23.

**NOES**—Messrs. Banvard, Curtis, Farley, Hager, Hunter, Irwin, Larkin, Mandeville, Murch, O'Connor and Tweed—11.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Mr. Farley moved to refer the bill to the Committee on Commerce and Navigation.

Lost.

Upon ordering the bill engrossed, the ayes and noes were demanded by Messrs. O'Connor, Irwin and Betge, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Beach, Betge, Burnett, Conn, Fowler, Hutchings, Lawrence, Lewis, Maclay, McDougall, Minis, Orr, Pacheco, Pendegast, Perkins, Roberts, Tompkins, Turner, Wand, Wilson and Wing—21.

**NOES**—Messrs. Banvard, Curtis, Farley, Gwin, Hunter, Irwin, Larkin, Murch, O'Connor and Tweed—10.

On motion, the rules were suspended for the consideration of Senate Bill No. 514—An Act for the relief of J. Scott Ashman, formerly Sheriff of Fresno County.

The rules were further suspended, bill considered engrossed, read a third time and passed.

#### UNFINISHED BUSINESS.

Report of Committee on Corporations on Senate Bill No. 62, relative to freights and fares on railroads, was taken up, reading dispensed with and ordered printed.

#### GENERAL FILE.

Assembly Bill No. 441—An Act to authorize the Board of Trustees of the City of Sacramento to allow a certain claim therein mentioned.

Passed on file.

Assembly Bill No. 360—An Act to authorize James K. Johnson, I. Wells and their associates and assigns to construct and maintain a wharf in the bay of Crescent City, in Del Norte County.

Indefinitely postponed.

Senate Bill No. 6—An Act concerning foreign corporations.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate and bill ordered engrossed.

Assembly Concurrent Resolution No. 35—Relative to printing speeches on Fifteenth Amendment.

Ordered on the table.

Senate Bill No. 422—An Act concerning roads and highways in the County of Butte.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 209—A bill to create a State Hospital and Almshouse. Recommended to the Committee on Hospitals.

Senate Bill No. 353—An Act amendatory of and supplementary to an Act entitled an Act to incorporate the Town of San Luis Obispo, approved April fourteenth, eighteen hundred and sixty-three.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 195—An Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia.

Indefinitely postponed.

Senate Bill No. 114—An Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island, Vallejo and Benicia.

Indefinitely postponed.

Senate Bill No. 115—An Act supplementary to and amendatory of an Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia, approved April fourteenth, eighteen hundred and sixty-four.

Indefinitely postponed.

Senate Bill No. 194—An Act to amend an Act entitled an Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia, approved April fourth, eighteen hundred and sixty-four.

Indefinitely postponed.

Senate Bill No. 293—An Act authorizing the parties herein named to construct and maintain a ship canal from the City of Stockton to deep water on the San Joaquin River.

Substitute reported by committee adopted.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 275—An Act supplementary to an Act entitled 'an Act to authorize Daniel Darlington and others to build a wharf in Solano County, approved February twenty-first, eighteen hundred and fifty-five.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 258—An Act to authorize John R. Jarboe, W. R. Watson and Julius Falkenstein, their associates and assigns, to build and maintain a wharf at the City of Vallejo.

Indefinitely postponed.

Senate Bill No. 225—An Act to authorize Robert J. White and others to build and maintain a wharf at the City of Vallejo.

Indefinitely postponed.

Senate Bill No. 230—An Act to authorize the construction of a wharf at Vallejo.

Indefinitely postponed.

Senate Bill No. 354—An Act to authorize John Cushin, Charles Kent and their associates to build and construct a wharf at Vallejo.

Indefinitely postponed.

Senate Bill No. 380—An Act to authorize Ezekiel Brown and associates to construct a wharf at Lower Berkeley, in the County of Alameda.

Indefinitely postponed.

Senate Bill No. 407—An Act to authorize John P. Storms and his associates to construct and maintain a wharf in Santa Barbara.

Indefinitely postponed.

Senate Bill No. 427—An Act to establish a steam ferry in the County of Solano.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 361—An Act to improve the navigation of Kings River.

Mr. Fowler offered a substitute for the bill, which was adopted.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 387—An Act to authorize the payment of lost interest coupons upon certain State bonds.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 111—An Act to establish a morgue for the City and County of San Francisco.

Passed on file.

Senate resolution, relative to furnishing postage stamps to members and officers of the Senate.

Adopted.

Senate Bill No. 450—An Act to authorize the Board of Supervisors of Los Angeles County to erect a Court-house, or in their discretion to purchase a building suitable therefor, and to construct a fire-proof vault.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 452—An Act to redistrict the County of Los Angeles into supervisor districts and provide for the election of Supervisors therefor.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 474—An Act to authorize the guardians of Frank G. Bartholomew and Ralph G. Bartholomew, infant heirs of Jacob Bartholomew, deceased, to sell real estate of said minors at public or private sale.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 441—An Act to authorize the incorporation of canal companies and to provide for the construction of canals and ditches.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 176—An Act to provide compensation for revision of the laws.

Rules suspended, bill considered engrossed and read a third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs Murch, Larkin and Green, and the bill was passed, by the following vote:

**AYES**—Messrs. Banvard, Burnett, Farley, Hager, Hutchings, Irwin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, O'Connor, Pacheco, Tweed, Wand and Wing—18.

**NOES**—Messrs. Conn, Hunter, Kincaid, Larkin, Murch, Orr and Tompkins—7.

**Senate Bill No. 241**—An Act supplementary to an Act entitled an Act defining the times for commencing civil actions, approved April twenty-second, eighteen hundred and fifty.

Considered in Committee of the Whole and amended.

IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate, and bill ordered engrossed.

**Senate Bill No. 246**—An Act to legalize certain bounty warrants in the County of Tuolumne.

Rules suspended, bill considered engrossed, read a third time and passed.

**Senate Bill No. 298**—An Act concerning the City of Vallejo, and to ratify and confirm a certain ordinance of the Trustees thereof.

Considered in Committee of the Whole and amended.

IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

**Senate Bill No. 155**—An Act authorizing J. West Martin and others to construct, operate and maintain a railroad and wharf in the Town of Alameda.

Indefinitely postponed.

**Senate Bill No. 179**—An Act to provide for laying down gas pipes in the streets of Sacramento, and for furnishing gas to public and private buildings therein, and for lighting the streets thereof.

Passed on file.

**Senate Bill No. 218**—An Act to amend section three hundred and thirty-six of an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Considered in Committee of the Whole and amended.

IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Lewis had leave to introduce the following resolution :

*Resolved*, That when the Senate adjourns, it adjourn to meet at seven o'clock this evening.

Adopted.

**Senate Bill No. 211**—An Act supplementary to an Act entitled an Act to provide for the management and sale of the lands belonging to the State.

Ordered at the top of engrossed bills for to-morrow.

Senate Bill No. 355—An Act for the endowment of the University.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 294—An Act to modify the grades of certain streets in the City and County of San Francisco.

Passed on file.

Senate Bill No. 454—An Act amendatory to an Act concerning roads and highways in the County of San Mateo.

Rules suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Wand, Senate Bill No. 294—An Act to modify the grades of certain streets in the City and County of San Francisco—was taken up and considered.

The rules were suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 459—An Act to define the time when certain reports shall be made.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 460—An Act relative to the publication of certain reports.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

Substitute for Assembly Bills Nos. 29 and 39 was ordered printed.

At four o'clock p. m., on motion of Mr. Fowler, the Senate adjourned.

#### EVENING SESSION.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

No quorum present

Mr. Larkin moved a call of the Senate, which was ordered.

The roll was called and the following Senators were found to be absent without consent of the Senate:

Messrs. Lewis, Betge, Tweed, Pacheco, Kincaid, Lawrence, Farley, Banvard, Burnett, Comte, Conly, Conn, Fowler, Gwin, Hager, Hutchings, Irwin, Mandeville, McDougall, Morrill, O'Connor, Pendegast, Perkins, Saunders, Wand and Wilson.

Messrs. Lewis, Betge, Tweed, Pacheco, Kincaid, Lawrence and Farley appeared at the bar of the Senate, were severally admitted and rendered their excuses.

#### GENERAL FILE.

Senate Bill No. 234—An Act to repeal an Act entitled an Act to authorize and require the Board of Supervisors of Butte County to levy a certain tax.

Rules suspended, bill considered engrossed, read a third time and passed.



**Senate Bill No. 247—An Act to authorize the formation of corporations to provide the members thereof with homesteads or lots of land suitable for homesteads.**

Referred to the Judiciary Committee.

**Mr. Lewis** gave notice that he would on to-morrow move to reconsider the vote by which the Senate passed Senate Bill No. 355.

At seven o'clock and twenty-seven minutes P. M., on motion of **Mr. Farley**, the Senate took a recess until half-past seven o'clock.

#### REASSEMBLED.

Senate reassembled at seven and a half o'clock P. M.

President in the chair.

Roll called.

Quorum present.

Pursuant to resolution, the Senate proceeded to meet the Assembly in joint convention, for the consideration of the location of the State Normal School.

[For proceedings in joint convention, see Appendix.]

#### IN SENATE.

The Senate was called to order by **Mr. Mandeville**.

On motion of **Mr. Larkin**, at eleven o'clock and forty minutes P. M., the Senate adjourned.

**WILLIAM HOLDEN,**  
President of the Senate.

Attest: **JOSEPH ROBERTS, Jr.**, Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,  
Friday, March 11th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Pursuant to notice, **Mr. Lewis** moved to reconsider the vote by which the Senate on yesterday ordered to engrossment Senate Bill No. 355.

The vote was reconsidered, and the bill referred to the Finance Committee.

#### REPORTS.

**Mr. Banvard**, from the Committee on Finance, made the following report:

**Mr. President:** Your Committee on Finance, to whom was referred Senate Bill No. 557—An Act to fund the debt of the City of Los Ange-

les, and to provide for the payment of the same—would respectfully report that they have had the same under consideration, and report the same back, and recommend the passage of the same.

BANVARD, Chairman.

On motion of Mr. Wilson, the rules were suspended for the consideration of Senate Bill No. 557, above reported.

The rules were further suspended, bill considered engrossed, read a third time and passed.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

**MR. PRESIDENT:** The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 550—An Act to provide for the submission to the people of the proposed amendment to the Constitution of the State, as proposed by the Legislature at its sixteenth session and adopted by the Legislature at its seventeenth session, to the votes of the qualified electors at the next general election.

Also, Senate Bill No. 397—An Act to protect fishing in the Sacramento River.

Also, Senate Bill No. 428—An Act to authorize the construction of a railroad in the Town of Santa Clara, and confirming an order of the Board of Trustees of said town in relation thereto.

Also, substitute for Senate Bills Nos. 148 and 107—An Act to provide for the restoration and preservation of fish in the waters of this State.

Also, Senate Concurrent Resolution No. 32—Relative to the construction of a ship canal across the Isthmus of Darien or Panama.

Also, Senate Bill No. 100—An Act for the relief of John H. Smith.

Also, Senate Bill No. 289—An Act to better define the boundary line between Fresno and Mariposa Counties.

Also, Senate Bill No. 20—An Act to provide for the payment of the State's portion of the salary of the County Auditor of Fresno County.

Also, substitute for Senate Bill No. 327—An Act to authorize the State Librarian to appoint an additional deputy and fix the compensation therefor.

Also, Senate Concurrent Resolution No. 37—Relative to declaring Vallejo a port of entry.

Also, Senate Bill No. 6—An Act concerning foreign corporations.

Also, substitute for Senate Bill No. 293—An Act authorizing the parties therein named, their associates and assigns, to construct and maintain a ship canal from the City of Stockton to deep water on the San Joaquin River.

Also, Senate Bill No. 275—An Act supplementary to an Act entitled an Act to authorize David N. Darlington and Isaiah Hanscom, and others, to build a wharf in Solano County, approved February twenty-first, eighteen hundred and fifty-five.

Also, Senate Bill No. 427—An Act to establish a steam ferry in the County of Solano.

O'CONNOR, Chairman.

Mr. Orr presented the following majority report from the Committee on Agriculture :

**MR. PRESIDENT:** A majority of your Committee on Agriculture, to whom was referred Assembly Bill No. 196—An Act entitled an Act to

protect agriculture, and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six—have had the same under consideration, and beg leave to report the same back and to recommend its passage.

HUTCHINGS,  
WING,  
MINIS,  
ORR.

Mr. Comte presented the following majority and minority reports from the Committee on Public Buildings :

Mr. PRESIDENT: The undersigned, a majority of the Committee on Public Buildings, to whom was referred Senate Bill No. 465, respectfully report that they have had the same under consideration, and report same with recommendation that it do not pass.

MURCH,  
O'CONNOR,  
BEACH.

Mr. PRESIDENT: The undersigned, a minority of said committee, report a substitute for said bill, and recommend the passage of the substitute.

COMTE,  
MANDEVILLE.

Mr. Morrill had leave to introduce the following resolution :

*Resolved* by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate be authorized to insert the enacting clause in Senate Bill No. 458—An Act entitled an Act to amend an Act entitled an Act to amend an Act concerning roads and highways in the Counties of Mariposa and Tulare, approved January seventeenth, eighteen hundred and sixty-six, approved March thirteenth, eighteen hundred and sixty-eight.

Adopted.

Mr. Orr, from the San Joaquin delegation, made the following report :

Mr. PRESIDENT: The San Joaquin delegation, to whom was referred Assembly Bill No. 520—An Act fixing the time at which the Board of Supervisors of the County of San Joaquin shall hold their regular sessions—have examined the same and now report it back and recommend its passage.

ORR, for Delegation.

Rules suspended and bill above reported placed on file.

Mr. Betge, from the Committee on Commerce and Navigation, made the following report :

Mr. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 304—An Act to authorize Joseph B. Peairs, and his associates and assigns, to establish and maintain a steam ferry—beg leave to report the same back and recommend its indefinite postponement.

Also, Senate Bill No. 212—An Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front in the City and County of San Francisco—report back the same and recommend its passage.

Also, Senate Bill No. 520—An Act to authorize Daniel Harback to construct a chute or moorings at or near Stewart Point and collect tolls for the use thereof—report back the same and recommend its passage.

Also, Senate Bill No. 419—An Act granting certain lands in the City and County of San Francisco to the Potrero and Bay View Railroad Company—report back the same and recommend its passage.

BETGE, Chairman.

Mr. Saunders, for the San Francisco delegation, made the following report :

Mr. PRESIDENT : The San Francisco delegation, to whom was referred Senate Bill No. 291—An Act to provide for a street railroad in the City and County of San Francisco—having duly considered the same, respectfully report back to the Senate a substitute therefor, and recommend the passage of the substitute.

Having duly considered Senate Bill No. 223—An Act to provide for the improvement of public parks in the City of San Francisco—beg leave to report the same back and recommend its passage.

Having also had under consideration Senate Bill No. 433—An Act to ratify and confirm ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco—beg leave to report back to the Senate a substitute therefor, and respectfully recommend the passage of the substitute.

SAUNDERS, for Delegation.

The rules were suspended and the bills above reported placed on file.

Mr. Tompkins, for the San Mateo and Alameda delegations, made the following report :

Mr. PRESIDENT : The delegations from San Mateo and Alameda, to whom was referred Assembly Bill No. 363—An Act to prevent hunting and shooting on private grounds in the Counties of Alameda and San Mateo—have had the same under consideration, and report the same back to the Senate and respectfully recommend its passage.

TOMPKINS,  
KINCAID.

Rules suspended and bill above reported placed on file.

Mr. Burnett presented a petition from citizens of San Francisco, for the passage of an Act relating to actions of partition.

Read and referred to the Judiciary Committee.

Mr. Kincaid verbally reported Senate Bill No. 218, and recommended the concurrence in amendments made by the Assembly to said bill.

Mr. McDougall, for the Monterey and Santa Cruz delegation, made the following report :

Mr. PRESIDENT : The delegation of Monterey and Santa Cruz beg leave to report back Senate Bill No. 228—An Act to authorize and

require the County of Santa Cruz to pay over certain school moneys to certain school districts in San Mateo County—and recommend that said bill be indefinitely postponed.

It appears from the evidence produced that during the school year commencing June first, eighteen hundred and sixty-seven, there was apportioned, by Santa Cruz County, to Pescadero School District, four hundred and seventy-four dollars and twenty-four cents, and that of that amount, one hundred and fifty dollars has been paid, as per annexed receipt, leaving a balance of three hundred and twenty-four dollars and twenty-four cents due on the sixteenth of March, eighteen hundred and sixty-eight.

By an Act of the Legislature, March sixteenth, eighteen hundred and sixty-eight, the larger portion of Pescadero School District was transferred from Santa Cruz County to San Mateo County.

After the date of such transfer, the Trustees of Pescadero School District made a demand for the money claimed by them to be due this district, but payment was refused. The question whether this money is due to Pescadero School District from the County of Santa Cruz has been judicially investigated and decided in favor of Santa Cruz County, as appears from accompanying documents.

It is also claimed that there is due to San Gregorio School District the sum of one hundred and fifty-seven dollars and fifty-eight cents, but there is no proof to sustain it; on the contrary, the accompanying certificate of the Superintendent of Common Schools tends to show that there has not been kept open in said district a free school for three months during the school year for which said amount is claimed to be due.

The delegation respectfully suggest that questions like these should be settled by the Courts and not by the Legislature.

McDOUGALL, for Delegation.

On motion of Mr. Kincaid, the rules were suspended for the consideration of Senate Bill No. 228, above reported.

Upon concurring in amendments made by the Assembly to said bill, the ayes and noes were demanded by Messrs. Kincaid, McDougall and Hunter, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Beach, Betge, Burnett, Comte, Curtis, Green, Kincaid, Lewis, Murch, O'Connor, Perkins, Roberts, Tompkins, Turner, Tweed and Wand—17.

**NOES**—Messrs. Conn, Farley, Fowler, Gwin, Hunter, Mandeville, McDougall, Minis, Orr, Pacheco and Wing—11.

Mr. Tompkins had leave to introduce the following concurrent resolution :

*Resolved*, if the Assembly concur, That our Senators in Congress be instructed, and our Representatives requested, to fully co-operate with the Representatives of other States, in all proper measures having for their object the restoration of the building of ships to American shipbuilders, and to save from absolute decay this important element of national wealth and power.

Read first and second times, rules suspended, considered engrossed, read a third time and passed.

## GENERAL FILE.

[President pro tem. in the chair.]

Assembly Bill No. 154—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco and proceedings had thereunder.

Referred to the Committee on Corporations.

Mr. Curtis had leave to introduce the following resolution :

*Resolved*, That the Assembly be requested to return to the Senate substitute for Assembly Bill No. 429, for the purpose of correcting a clerical error.

Adopted.

Assembly Bill No. 318—An Act to authorize the Odd Fellows' Cemetery Association of San Francisco to borrow money for certain purposes, and to secure the same by mortgage upon real estate.

Read a third time and passed.

Assembly Bill No. 467—An Act to prescribe the duties of certain officers in the County of Butte.

Read a third time and passed.

Assembly Bill No. 386—An Act to legalize the acts and proceedings of the Mayor and Common Council of the City of Sonoma.

Referred to the Judiciary Committee.

Assembly Bill No. 209—An Act to authorize the Auditor of Butte County to issue a warrant to W. L. Reese.

Considered in Committee of the Whole and amended.

## IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

Title amended and amendment adopted

Assembly Bill No. 332—An Act in relation to delinquent taxes in the County of Alpine.

Recommitted to the Finance Committee.

Mr. Pendegast moved to reconsider the vote by which the Senate, on yesterday, concurred in amendments made by the Assembly to Senate Bill No. 280.

The vote was reconsidered and Senate refused to concur in amendments made by the Assembly to said bill.

Substitute for Assembly Bill No. 441—An Act to authorize the Board of Trustees of the City of Sacramento to allow a certain claim therein mentioned.

Substitute adopted.

Read a third time and passed.

[President in the chair.]

Senate Bill No. 238—An Act to make, open and establish a public street in the City and County of San Francisco, to be called Montgomery Street South, and to take private lands therefor.

Mr. Wand moved to refer the bill to the Committee on Corporations, with special instructions to report the same back on to-morrow.

Lost.

On motion of Mr. Betge, the vote just taken was reconsidered, and the bill referred to the Committee on Corporations, with instructions to report to-morrow.

Senate Bill No. 211—An Act supplementary to an Act entitled an Act to provide for the management and sale of the lands belonging to the State.

Referred to the Committee on Swamp and Overflowed Lands, with special instructions to report back on Monday.

Senate Bill No. 179—An Act to provide for laying down gas pipes in the streets of Sacramento, and for furnishing gas to public and private buildings therein, and for lighting the streets thereof.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed, and transmitted to the Assembly.

Senate Bill No. 307—An Act to provide for the sale and conveyance of lands in the City and County of San Francisco to H. B. Tichenor.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 482—An Act concerning road taxes in the County of Sacramento.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 347—An Act to amend an Act entitled an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys and courts in the said city, approved April fourth, eighteen hundred and sixty-four.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 124—An Act to authorize Thomas J. Johnson and his associates to construct and maintain a railroad in the City of Vallejo, in the County of Solano.

Indefinitely postponed.

Senate Bill No. 57—An Act authorizing H. S. Sargeant and others to lay down and maintain a railroad in the City of Stockton and County of San Joaquin.

Considered in Committee of the Whole and amended.

## IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 277—An Act authorizing corporations and others doing life insurance business in this State to make deposits, and regulating the same.

Referred to the Judiciary Committee.

Senate Bill No. 217—An Act to regulate the election of voluntary political associations and parties in the City and County of San Francisco, and to secure a fair expression of the choice of such associations and parties in the nomination of candidates.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 459—An Act amendatory of and supplementary to an Act to incorporate the Town of Redwood City, approved March twenty-seventh, eighteen hundred and sixty-one.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 11—An Act to grant to certain parties the right of way for a railroad track within the corporate limits of the City and County of San Francisco, and to run horse cars thereon.

Substitute reported by the San Francisco delegation adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 321—An Act to amend an Act entitled an Act in relation to personal mortgages in certain cases, passed May eleventh, eighteen hundred and fifty-three.

Considered in Committee of the Whole and amended.

## IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate

Rules suspended, bill considered engrossed, read a third time and passed.

Title amended and amendment adopted.

## SPECIAL ORDER.

The hour of two o'clock P. M. having arrived, the hour for the consideration of special order: Governor's message vetoing Assembly Bill No. 152—An Act for the relief of Patrick Creighton, James Brennan and Patrick Donohue.

Upon the question, "Shall the bill become a law, notwithstanding the objection of the Governor?" the roll was called, with the following result:

**AYES**—Messrs. Beach, Betge, Chappell, Comte, Conly, Curtis, Farley, Green, Hunter, Kincaid, Larkin, Lawrence, Maclay, McDougall, Morrill, Murch, Orr, Pacheco, Pendegast, Turner, Wand and Wing—22.

**NOES**—Messrs. Banvard, Conn, Hager, Hutchings, Irwin, O'Connor, Perkins, Roberts, Saunders, Tompkins and Tweed—11.



## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 176—An Act to provide for the revision of the laws.

O'CONNOR, Chairman.

Mr. Comte, from the Committee on Public Buildings, made the following report :

MR. PRESIDENT: The Committee on Public Buildings, to whom was referred Senate Bill No. 162, report same back and recommend its indefinite postponement.

COMTE, for Committee.

Mr. Curtis verbally reported Senate Bill No. 564, with the recommendation that the same be referred to the San Francisco delegation.

Mr. Curtis also verbally reported Assembly Bill No. 510, with amendments, and recommended its passage as amended.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
March 10th, 1870. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in Senate Concurrent Resolution No. 38—Relative to a joint convention on State Normal School.

Also, passed, with amendments, Senate Bill No. 269—An Act to prevent the kidnapping and importation of Mongolian, Chinese and Japanese females for criminal and demoralizing purposes.

Also, passed Senate Bill No. 270—An Act to prevent the importation of Chinese criminals and to prevent the establishment of coolie slavery.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 11th, 1870. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Senate Bill No. 320—An Act for the relief of Mary Likens.

Also, Senate Bill No. 516—An Act to authorize the Board of Supervisors of San Joaquin County to issue a certain bond.

Also, Senate Bill No. 309—An Act to authorize the Board of Supervisors of San Joaquin County to appropriate money for the use of the San Joaquin Agricultural Society.

And, on the ninth instant, passed Assembly Bill No. 439—An Act amending the first section of an Act entitled an Act extending the time for the payment of a debt of ten thousand dollars due from Alpine

County to Amador County, approved February twenty-ninth, eighteen hundred and sixty-eight.

Also, passed Assembly Bill No. 496—An Act in relation to the office of Tax Collector in the County of Monterey.

Also, passed Assembly Bill No. 565—An Act to authorize the payment of certain claims against Redwood Township, in the County of San Mateo.

And, on this day, passed Assembly Bill No. 432—An Act for the relief of Lovick P. Hall and Samuel J. Garrison.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill No. 269, above reported, amendments made by Assembly concurred in by the Senate.

Assembly Bill No. 439, above reported, read first and second times and referred to the Amador delegation.

Assembly Bill No. 496, above reported, read first and second times, rules suspended, bill read a third time and passed.

Assembly Bill No. 565, above reported, read first and second times and referred to the San Mateo delegation.

Assembly Bill No. 432, above reported, read first and second times and referred to the Finance Committee.

At two o'clock and twenty-five minutes P. M. Mr. O'Connor moved to adjourn.

Lost.

Mr. Perkins moved a call of the Senate, which was ordered.

The roll was called and the following Senators were found to be absent without leave :

Messrs. Beach, Chappell, Conly, Fowler, Gwin, Hutchings, Larkin, Morrill, Murch and Saunders.

Messrs. Larkin, Chappell, Saunders, Hutchings and Conly appeared at the bar of the Senate and were admitted.

On motion of Mr. Curtis, the further proceedings under the call were dispensed with.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Betge—An Act to provide for the appointment of a Hack Inspector for the City of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Wilson—An Act for the better protection of Treasurers of the City and County of Los Angeles.

Read first and second times and referred to the Finance Committee.

By Mr. Comte—An Act to amend an Act entitled an Act to grant the right to construct a bridge across the Sacramento River, between the City of Sacramento and the Town of Washington, to certain parties therein named, approved April third, eighteen hundred and fifty-seven.

Read first and second times and referred to the Sacramento and Yolo delegations.

By Mr. Curtis—An Act to authorize the Board of State Capitol Commissioners to provide for the construction of a State Armory in the City of Sacramento.

Read first and second times and referred to the Committee on Public Buildings.

By Mr. Lawrence—An Act to authorize Robert McHenry, administrator of the estate of Henry Langworth, deceased, to sell the real estate of said estate.

Read first and second times and referred to the Judiciary Committee. [Mr. Mandeville in the chair.]

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 11th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 428—An Act to authorize the construction of a railroad in the Town of Santa Clara, and confirming an order of the Board of Trustees of said town in relation thereto.

Also, Senate Bill No. 179—An Act to provide for laying down gas pipes in the streets of Sacramento and for furnishing gas to public and private buildings therein and for lighting the streets thereof.

Also, adopted Senate Concurrent Resolution No. 40—Relative to authorizing Enrolling Clerk to correct error in Senate Bill No. 458.

Also, to return Assembly Bill No. 429, with the Senate substitute, as requested by resolution.

CRAWFORD,  
Assistant Clerk.

Assembly Bill No. 429, above reported from the Assembly, corrected as requested by the Senate, correction read and transmitted to the Assembly.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 11th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that his Excellency the Governor returned to the Assembly, without his approval, Assembly Bill No. 99—An Act to grant the right of way for a railroad track within the corporate limits of the City of Vallejo, in the County of Solano, to Edward McGettigan and Henry Conalley, their associates and assigns.

Also, substitute for Assembly Bill No. 267—An Act to authorize W. W. Fowler, George J. Hooper, and their associates and assigns, to lay down gas pipes in the City of San Diego.

And that this day both of said bills were passed by the constitutional majority over the veto; and I am directed to deliver said bills and the message, for the consideration of the Senate.

CRAWFORD,  
Assistant Clerk.

On motion of Mr. Conn, the message and bills were made the special order for Tuesday next, at two o'clock P. M.

## GENERAL FILE RESUMED

Senate Bill No. 271—An Act to amend an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight.

Considered in Committee of the Whole and amended.

## IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 85—An Act the better to secure the collection of license taxes in the City and County of San Francisco.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 468—An Act for the relief of Charles Tupper.

Laid on the table.

Senate Bill No. 202—An Act to authorize the payment of the claims of Mrs. Eliza McLane for supplies furnished the State Marine Hospital. [President in the chair.]

The bill was considered in Committee of the Whole and amended.

## IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Mr. Curtis moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Curtis, Betge and Green, and the Senate refused, by the following vote:

AYES—Messrs. Burnett, Comte, Curtis, Farley, Hunter, Irwin, Larkin, Minis, O'Connor, Orr, Tompkins, Wilson and Wing—13.

NOES—Messrs. Banvard, Beach, Betge, Chappell, Conly, Fowler, Green, Hager, Hutchings, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Saunders, Turner, Tweed and Wand—19.

The rules were suspended, bill considered engrossed and read a third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Minis, Maclay and Chappell, and the bill was passed, by the following vote:

AYES—Messrs. Banvard, Beach, Betge, Chappell, Conly, Green, Hutchings, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Roberts, Saunders, Turner, Tweed and Wand—18.

NOES—Messrs. Burnett, Comte, Curtis, Farley, Hager, Hunter, Irwin, Larkin, Minis, O'Connor, Orr, Perkins, Tompkins, Wilson and Wing—15.

At three o'clock and forty minutes P. M. Mr. Betge moved to adjourn. Lost.

[Mr. Mandeville in the chair.]

Senate Bill No. 485—An Act concerning roads and highways in Sierra Township, County of Sierra.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 257—An Act to encourage the production and manufacture of sugar in California.

Ordered second on file for Wednesday next.

Senate Bill No. 311—An Act to prevent the destruction of timber on the sixteenth and thirty-sixth sections, reserved for school purposes, and on Agricultural College lands.

Referred to the Judiciary Committee, with instructions to report it back on Monday next, and to be restored to present position on the file.

Senate Bill No. 338—An Act to amend an Act entitled an Act to provide for the incorporation of mutual insurance companies for the insurance of life and health and against accidents.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 97—An Act for the relief of Henry Kohn.

Indefinitely postponed.

Senate Bill No. 423—An Act to amend an Act entitled an Act for the protection of game.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Conly gave notice that he would on to-morrow move to reconsider the vote by which Assembly Bill No. 152 was passed over the veto of the Governor.

Mr. Hager moved to reconsider the vote by which Senate Bill No. 97 was indefinitely postponed.

Lost.

Senate Bill No. 339—An Act to amend an Act entitled an Act to regulate proceedings in civil cases.

Indefinitely postponed.

Senate Bill No. 318—An Act supplementary to an Act to provide for the appointment of Notaries Public.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

At four o'clock and fifteen minutes P. M., on motion of Mr. Lewis, the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, March 12th, 1870. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called.

Quorum present.

Leave of absence for one day was granted to Mr. Gwin.

Prayer by Professor Simmons.

[President in the chair.]

Journal of yesterday read and approved.

Mr. Maclay had leave to introduce the following resolution :

*Resolved*, That the Chairman of the Enrolling Committee be requested to return to the Senate, Senate Bill No. 144, to correct a clerical error.

By unanimous consent of the Senate, the Chairman of the Enrolling Committee was authorized to correct a clerical error in Senate Bill No. 391.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 422—An Act concerning roads and highways in the County of Butte.

Also, Senate Bill No. 474—An Act to authorize the guardian of Frank G. Bartholomew and Ralph H. Bartholomew, infant heirs of Jacob Bartholomew, deceased, to sell real estate of said minors at public or private sale.

Also, Senate Bill No. 513—An Act to pay for services rendered in the office of the Surveyor-General.

Also, Senate Bill No. 233—An Act for the relief of Thomas T. Davenport, late County Collector of Nevada County.

Also, Senate Bill No. 353—An Act amendatory of and supplementary to an Act entitled an Act to incorporate the Town of San Luis Obispo, approved April fourteenth, eighteen hundred and sixty-three.

Also, Senate Bill No. 441—An Act to authorize the incorporation of canal companies and to provide for the construction of canals and ditches.

Also, Senate Bill No. 514—An Act for the relief of J. Scott Ashman, formerly Sheriff of Fresno County.

Also, Senate Bill No. 387—An Act to authorize the payment of lost interest coupons upon certain State bonds.

Also, Senate Bill No. 452—An Act to redistrict the County of Los Angeles into supervisor districts and provide for the election of Supervisors therefor.

Also, Senate Bill No. 522—An Act making an appropriation for deficiency in the appropriation made for the twentieth and twenty-first fiscal years, ending July first, eighteen hundred and seventy.

Also, Senate Bill No. 398—An Act to amend an Act entitled an Act

to authorize J. Bidwell, J. C. Mandeville and others to construct a wagon road in the Counties of Butte and Plumas, approved April fourteenth, eighteen hundred and sixty-three, and amended March sixteenth, eighteen hundred and sixty-four.

Also, Senate Bill No. 125—An Act for the encouragement of agriculture and the invention and construction of a locomotive steam plough.

Also, Senate Bill No. 450—An Act authorizing the Board of Supervisors of Los Angeles County to erect a Court-house, or in their discretion to purchase a building suitable therefor, and to construct a fire-proof vault therein for the safety and preservation of the public records of the county.

Also, substitute for Senate Bill No. 861—An Act to improve the navigation of Kings River.

Also, Senate Concurrent Resolution No. 39, and Senate Concurrent Resolution No 41.

O'CONNOR, Chairman.

Mr. Banvard, from the Finance Committee, made the following report:

MR. PRESIDENT: Your Committee on Finance have had under consideration Senate Bill No. 502—An Act for the relief and support of the Mechanics' Labor Exchange of California—and recommend that it do not pass.

Also, an Act to amend an Act to provide for the transfer of certain funds in the County of Placer, approved March twenty-eighth, eighteen hundred and sixty-eight, and recommend its passage.

BANVARD, Chairman.

Mr. Hager, from the Judiciary Committee, made the following report:

MR. PRESIDENT: The Committee on Judiciary having had under consideration the following bills, report back Assembly Bill No. 143—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—with amendments, and recommend the passage of the bill as amended.

Also, Senate Bill No. 417—An Act supplemental to and amendatory of an Act entitled an Act supplemental to and to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three, approved April fourth, eighteen hundred and sixty-four—with amendments, and recommend the adoption of the amendments and the passage of the bill as amended.

Also, Senate Bill No. 469—An Act authorizing the publication of certain legal notices in a State paper printed at the seat of Government of the State of California—with an amendment, and recommend the adoption of the amendment and the passage of the bill as amended.

Also, report back Senate Bill No. 68—An Act to provide revenue for the support of the Government of this State—and recommend its indefinite postponement.

Also, have had under consideration Senate Bill No. 406—An Act supplemental to an Act to authorize the Board of Supervisors of the City

and County of San Francisco to modify the grades of certain streets, approved March thirtieth, eighteen hundred and sixty-eight—with a substitute therefor. The committee were divided and could not agree upon the same, and therefore report back the said bill, with the substitute therefor, for the consideration of the Senate.

HAGER, Chairman.

Mr. Farley presented the following majority report from the Judiciary Committee :

MR. PRESIDENT: A majority of the Committee on the Judiciary have had under consideration Senate Bill No. 130 and a substitute therefor, the substitute being entitled an Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight, and report said bill back, and also the substitute therefor, with amendments, and recommend the adoption of the amendments and the passage of the substitute as amended.

TOMPKINS,  
TWEED,  
ROBERTS,  
FARLEY.

Mr. Hager presented the following minority report from the Judiciary Committee :

MR. PRESIDENT: The minority of the committee on the Judiciary have had under consideration Senate Bill No. 130 and a substitute therefor—An Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight—and recommend to amend the substitute by striking out section five, and that the substitute as amended do pass.

HAGER,  
LEWIS.

On motion of Mr. Mandeville, the rules were suspended for the consideration of Senate Bill No. 469, reported from the Judiciary Committee.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Mr. Tweed offered the following amendment to the bill: "and *provided* also, that no publication made in such State paper shall be required to be made elsewhere."

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Tweed, Roberts and Chappell, and the Senate refused, by the following vote:

AYES—Messrs. Beach, Chappell, Conly, Green, Larkin, Murch, O'Connor, Orr, Pacheco, Perkins, Roberts, Tompkins, Turner, Tweed and Wing—15.



**NOES**—Messrs. Banvard, Burnett, Comte, Conn, Curtis, Fowler, Hager, Hunter, Hutchings, Irwin, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, Pendegast, Saunders, Wand and Wilson—22.

Mr. Lewis moved to suspend the rules for the purpose of considering the bill engrossed and place it upon its passage.

Upon which the ayes and noes were demanded by Messrs. Murch, Roberts and Chappell, and the Senate refused, by the following vote :

**AYES**—Messrs. Banvard, Burnett, Comte, Conn, Curtis, Farley, Hager, Hunter, Hutchings, Irwin, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, Orr, Pendegast, Wand and Wilson—22.

**NOES**—Messrs. Beach, Chappell, Conly, Green, Larkin, Murch, O'Connor, Pacheco, Perkins, Roberts, Tompkins, Turner, Tweed and Wing—14.

The bill was then ordered engrossed.

Mr. Kincaid presented the following majority report from the Committee on Corporations :

**MR. PRESIDENT:** The majority of the Committee on Corporations, to whom was referred Senate Bill No. 258—An Act to make, open and establish a public street in the City and County of San Francisco, to be called Montgomery Street South—have had the same under consideration, and report it back with amendments, and, as amended, recommend that it be passed.

KINCAID,  
LARKIN,  
CHAPPELL.  
LAWRENCE.

On motion of Mr. Kincaid, the rules were suspended for the consideration of Senate Bill No. 258, above reported, an Act to make, open and establish a public street in the City and County of San Francisco, to be called Montgomery Street South, and take private lands therefor.

The bill was considered in Committee of the Whole and amended.

[President pro tem. in the chair.]

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

[President in the chair.]

Mr. Saunders offered the following amendment to section twenty-three :

Amend section twenty-three by adding the following: "Before the commencement of any proceedings under this Act, the County Court shall be satisfied, and shall so determine, that a majority, in value, of the owners of all property to be affected hereby are in favor of the opening and making of said street, according to the provisions of this Act; and to that end, upon the petition of property owners as aforesaid, the Court shall specify some day, not less than ten (10) days after the filing of said petitions, of a meeting of all said property owners to be affected as aforesaid, of which notice shall be given by advertise-

ment in some paper printed and published in said city and county every day (Sundays excepted) during the period of said notice, at which said meetings and at all adjourned meetings said property owners shall have the right to appear and be heard, in person or by attorney, and to give evidence respecting the expediency of the said works hereinbefore provided for."

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Huger, Saunders and Wand, and the Senate refused, by the following vote :

**AYES**—Messrs. Beach, Conly, Conn, Hager, O'Connor, Pacheco, Saunders, Turner and Wand—9.

**NOES**—Messrs. Banvard, Burnett, Chappell, Comte, Curtis, Farley, Green, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murch, Pendegast, Perkins, Roberts, Tompkins, Tweed and Wing—25.

The rules were suspended, bill considered engrossed and read a third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Wand, Maclay and Chappell, and the bill was passed, by the following vote :

**AYES**—Messrs. Banvard, Beach, Burnett, Chappell, Comte, Conn, Curtis, Farley, Green, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murch, Pendegast, Perkins, Roberts, Tompkins, Turner, Tweed and Wing—28.

**NOES**—Messrs. Conly, Hager, O'Connor, Pacheco, Saunders and Wand—6.

#### REPORTS.

Mr. Morrill, from the Committee on Enrolment, made the following reports :

**MR. PRESIDENT:** Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 323—An Act to provide for the liquidation of the floating indebtedness of the County of Santa Barbara, and to repeal sections eight and eleven of an Act entitled an Act to fix the compensation of officers, to provide for funding the county debt of Santa Barbara and prohibit the contracting of any new indebtedness against said county, approved April fourth, eighteen hundred and sixty-four.

Also, Senate Bill No. 159—In relation to road indebtedness of Tuolumne County, incurred in the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven.

Also, Senate Bill No. 10—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Also, Senate Bill No. 477—An Act to provide for redeeming and paying the warrants outstanding against Tuolumne County, and for paying the current expenses of said county in cash, and defining and limiting the powers and duties of certain officers in relation thereto.

And this day, at three o'clock and fifteen minutes P. M., presented the same to the Governor for his approval.

**MORRILL, Chairman.**

**Mr. PRESIDENT:** Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 536—An Act to regulate fees of office and salaries of officers in Siskiyou County.

Also, Senate Bill No. 73—An Act to amend an Act entitled an Act more clearly to define the boundaries of Sacramento, Sutter and Placer Counties, approved March thirteenth, eighteen hundred and sixty-six.

And this day, at eleven o'clock and fifteen minutes A. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

**Mr. Lawrence,** from the Committee on Corporations, made the following report :

**Mr. PRESIDENT:** The Committee on Corporations, to whom was referred Senate Bill No. 510—An Act to empower the County of Marin to aid in the construction of a railroad in said county—have had the same under consideration and report it back with the following amendments, and as amended, recommend that it be passed : Amend section one, by striking out the word "ten," in line three, and inserting in lieu thereof the word "thirty." Amend section two, by striking out all of lines twenty-five, twenty-six, twenty-seven and twenty-eight, and inserting the words "under the laws governing the general elections of this State." Amend section three, by striking out the word "eight," in line fourteen, and inserting the word "seven." Amend section five, by striking out the word "eight," in line thirteen, and inserting the word "seven."

LAWRENCE,  
KINCAID,  
CHAPPELL.

**Mr. Hager** had leave to introduce the following resolution :

*Resolved* by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate is authorized to strike out the word "he," in line eight of section five, where it occurs in the engrossed bill, in an Act entitled an Act to prevent the kidnapping and importation of Mongolian, Chinese and Japanese females for criminal or demoralizing purposes—Senate Bill No. 269.

Adopted.

**Mr. O'Connor,** from the Committee on Engrossment, made the following report :

**Mr. PRESIDENT:** The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 459—An Act to define the time when certain reports shall be made.

Also, Senate Bill No. 460—An Act relative to the printing of certain reports.

O'CONNOR, Chairman.

**Mr. Farley** had leave to introduce the following bill—An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

Read first and second times and referred to the Judiciary Committee. Mr. Saunders, from the San Francisco delegation, made the following reports:

Mr. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 553—An Act to amend an Act to provide for paving the streets in the City and County of San Francisco, approved April second, eighteen hundred and sixty-six—having duly considered the same, respectfully report the same back to the Senate with the following amendment, to wit: In line eleven of page two, section one, strike out the words "Santa Cruz," and recommend that said amendment be adopted and the bill as amended pass.

SAUNDERS, for Delegation.

Mr. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 350—An Act authorizing the condemnation of private property within the limits of the public streets of the City and County of San Francisco, within the Laguna survey—having had the same under consideration, respectfully report the same back to the Senate and recommend its passage.

And having duly considered Senate Bill No. 302—An Act to authorize a railroad to be laid down in certain of the streets of the City and County of San Francisco for grading purposes—beg leave to report back a substitute therefor and recommend the passage of the substitute.

SAUNDERS, for Delegation.

#### RESOLUTION.

By Mr. Minis:

*Resolved*, That when the Senate adjourns, it does so to meet again on Monday, fourteenth instant, at two and a half o'clock P. M.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Larkin, Roberts and Turner, and the Senate so ordered, by the following vote:

AYES—Messrs. Banvard, Chappell, Comte, Conn, Curtis, Hager, Kincaid, Lawrence, Maclay, Mandeville, McDougall, Minis, Morrill, Orr, Pacheco, Pendegast, Perkins, Saunders, Tompkins, Turner, Tweed, Wand, Wilson and Wing—24.

NOES—Messrs. Burnett, Green, Hunter, Larkin, Lewis, Murch, O'Connor and Roberts—8.

#### REPORT.

Mr. Kincaid, for the Santa Clara and San Mateo delegations, made the following report:

Mr. PRESIDENT: The Santa Clara and San Mateo delegations, to whom was referred Senate Bill No. 555, report the same back and recommend its passage.

KINCAID,  
MACLAY.

Mr. Kincaid also verbally reported Assembly Bill No. 565, and recommended its passage.

At one o'clock and thirty-five minutes P. M., on motion of Mr. Lawrence, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Monday, March 14th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

## PETITIONS.

By Mr. Conn—From citizens of the northern portion of San Diego County, for the annexation of said portion of said county to San Bernardino County.

Read first and second times and referred to the Committee on Counties and County Boundaries.

By Mr. McDougall—From citizens of Monterey, for the passage of an Act authorizing the said county to aid in the construction of a railroad in said county.

Read and referred to the Committee on Corporations.

## REPORTS.

Mr. Fowler, from the Committee on Agriculture, made the following report:

Mr. PRESIDENT: Your Committee on Agriculture, to whom was referred Assembly Bill No. 196—An Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six—have had the same under consideration, and report it back with amendments, and as amended, recommend that it be passed.

Also, Assembly Bill No. 324—An Act concerning estrays and animals found running at large in the County of Santa Cruz—report the same back with amendments, and as amended, recommend that it be passed.

FOWLER, Chairman.

Mr. Lewis verbally reported Senate Bill No. 523, with amendments, and recommended its passage as amended.

The rules were suspended for the consideration of Senate Bill No. 523, above reported.

Amendments reported by the Committee on State Prison adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Hager, from the Judiciary Committee, made the following report:

Mr. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 403—An Act amendatory of an Act concerning forcible entries and unlawful detainers—report the same back with amendments and recommend its passage as amended.

HAGER, Chairman.

Mr. Roberts, from the Judiciary Committee, made the following report:

Mr. PRESIDENT: The Committee on Judiciary, to whom was referred Senate Bill No. 311—An Act to prevent the destruction of timber on the sixteenth and thirty-sixth sections reserved for school purposes, and on Agricultural College lands—report the same back with amendments, and recommend the passage of the bill as amended.

ROBERTS, for Committee.

The rules were suspended for the consideration of Senate Bill No. 311, above reported.

Amendments reported by the Judiciary Committee adopted by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Maclay, from the Committee on Education, made the following report:

Mr. PRESIDENT: Your Committee on Education, to whom was referred Assembly Bill No. 177—An Act to establish and define the powers and duties of the Board of Education of the City of Vallejo—have had the same under consideration, report the same back and recommend its passage.

MACLAY, Chairman.

Mr. Curtis verbally reported Senate Bill No. 344, and recommended its reference to the Amador delegation.

Mr. McDougall, from the Committee on State Hospitals, made the following report:

Mr. PRESIDENT: Your Committee on State Hospitals, to whom was recommitted Senate Bill No. 209, beg leave to return the same with the amendments attached thereto, and renew their recommendation of its passage as amended.

MCDUGALL, Chairman.

Mr. Farley verbally reported Assembly Bill No. 439, and recommended its passage.

On motion, the rules were suspended for the consideration of Assembly Bill No. 439, above reported.

Rules further suspended, bill read a third time and passed.

Mr. Maclay, from the Santa Clara delegation, made the following report:

Mr. PRESIDENT: The Santa Clara delegation, to whom was referred Assembly Bill No. 119—An Act to provide for the improvement of the rivers and streams in Santa Clara County—have had the same under consideration, report the same back and recommend its passage.

MACLAY, for Delegation.

Mr. Orr, from the San Joaquin delegation, made the following report:

Mr. PRESIDENT: The San Joaquin delegation, to whom was referred Senate Bill No. 568—An Act to reincorporate the City of Stockton—have examined the same and beg leave to report it back and recommend its passage.

ORR, for Delegation.

On motion, the rules were suspended for the consideration of Senate Bill No. 568.

The rules were further suspended, bill considered engrossed, read a third time and passed.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 12th, 1870.

*To the Senate of the State of California:*

I herewith return, at the request of your honorable body, substitute for Senate Bill No. 146—An Act to divide the City of Oakland into wards and to provide for the holding of elections therein.

H. H. HAIGHT,  
Governor.

On motion of Mr. Kincaid, and by unanimous consent of the Senate, the bill above returned from the Governor was referred to Mr. Mandeville, with special instructions to amend as follows:

Ward No. 1—All that portion of said city lying east of Broadway and south of Sixth street.

Ward No. 2—All that portion of said city lying between Broadway and Linden street, and south of Seventh street and Railroad avenue.

Ward No. 3—All that portion of said city lying between Broadway and Linden street, and between Seventh street, Railroad avenue and Fourteenth street.

Ward No. 4—All that portion of said city lying east of Broadway and between Sixth and Twelfth streets.

Ward No. 5—All that portion of said city lying east of Broadway and Telegraph avenue, and north of Twelfth street.

Ward No. 6—All that portion of said city lying between Broadway, Telegraph avenue and Linden street, and north of Fourteenth street.

Ward No. 7—All that portion of said city lying between Linden, Centre and Peralta streets.

Ward No. 8—All that portion of said city lying west of Centre and Paralta streets.

Strike out the third section of this bill.

#### REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 294—An Act to modify the grade of certain streets in the City and County of San Francisco.

Also, Senate Bill No. 218—An Act to amend section three hundred and thirty-six of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Also, Senate Bill No. 57—An Act authorizing H. S. Sargent and others to lay down and maintain a railroad in the City of Stockton and County of San Joaquin.

Also, Senate Bill No. 241—An Act supplementary to an Act entitled an Act defining the times for commencing civil actions, approved April twenty-second, eighteen hundred and fifty.

Also, Senate Bill No. 271—An Act to amend an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 217—An Act to regulate the elections of voluntary political associations and parties in the City and County of San Francisco, and to secure a fair expression of the choice of such associations and parties in the nomination of candidates.

Also, Senate Bill No. 202—An Act to authorize the payment of the claim of Mrs. Eliza McLane, for supplies furnished the State Marine Hospital in eighteen hundred and fifty-three and eighteen hundred and fifty-four.

Also, Senate Bill No. 179—An Act to provide for laying down gas pipes in the streets of Sacramento, and for furnishing gas to public and private buildings therein, and for lighting the streets thereof.

Also, Senate Bill No. 298—An Act concerning the City of Vallejo, and to ratify and confirm a certain ordinance of the Trustees thereof.

Also, Senate Bill No. 234—An Act to repeal an Act entitled an Act to authorize and require the Board of Supervisors of Butte County to levy a tax for the support of common schools in said county, and to abolish taxation by school districts for like purposes.

Also, Senate Bill No. 321—An Act to amend an Act entitled an Act in relation to personal mortgages in certain cases, approved May eleventh, eighteen hundred and fifty-three.

Also, Senate Bill No. 307—An Act to provide for the sale and conveyance of certain submerged lands in the City and County of San Francisco to Henry B. Tichenor.

Also, Senate Bill No. 482—An Act concerning road taxes in the County of Sacramento.

Also, Senate Bill No. 338—An Act to amend an Act entitled an Act to provide for the incorporation of mutual insurance companies for the insurance of life and health and against accidents, approved April second, eighteen hundred and sixty-six.

Also, Senate Bill No. 469—An Act authorizing the publication of cer-



tain legal notices in a State paper printed at the seat of Government of the State of California.

Also, Senate Bill No. 456—An Act amendatory of and supplementary to an Act entitled an Act to incorporate the Town of Redwood City, approved March twenty-seventh, eighteen hundred and sixty-eight.

Also, Senate Bill No. 491—An Act to authorize Samuel M. Sproul, George F. Jones, Charles L. Stilson and Joseph A. Clark to construct and maintain water works in the Town of Chico

Also, Senate Bill No. 423—An Act to amend an Act entitled an Act for the protection of game, passed May fifteenth, eighteen hundred and fifty-four.

Also, Senate Bill No. 454—An Act amendatory to an Act concerning roads and highways in the County of San Mateo.

Also, Senate Bill No. 85—An Act entitled an Act the better to secure the collection of license taxes in the City and County of San Francisco

Also, Senate Bill No. 246—An Act to legalize certain county warrants in the County of Tuolumne.

Also, Senate Bill No. 347—An Act to amend an Act entitled an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, courts and places in the said city, approved April fourth, eighteen hundred and sixty-four.

Also, Senate Bill No. 557—An Act to fund the debt of the City of Los Angeles and to provide for the payment of the same.

Also, Senate Bill No. 485—An Act concerning roads and highways in Sierra Township, County of Sierra.

Also, substitute for Senate Bill No. 11.

O'CONNOR, Chairman.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
March 12th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Senate Bill No. 109—An Act to settle and pay the unpaid expenses of the State Geological Survey.

Also, Senate Bill No. 172—An Act to amend an Act providing for the time of holding Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three.

Also, adopted Assembly Concurrent Resolution No. 49—Requesting return of Assembly Bill No. 70.

And, on this day, passed Senate Bill No. 399—An Act to amend an Act entitled an Act to provide for paying certain equitable claims against the State of California, and to construct a funded debt for that purpose, approved April twenty-sixth, eighteen hundred and fifty-seven.

Also, Senate Bill No. 400—An Act to amend an Act entitled an Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 12th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the eleventh instant, passed Assembly Bill No. 412—An Act entitled an Act to authorize the Mayor and Common Council of the City of Stockton, in the County of San Joaquin, to donate one hundred thousand dollars to the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto.

And, on the tenth instant, passed Assembly Bill No. 160—An Act to protect the people of the State of California from the evils of Asiatic immigration.

And, on yesterday, passed Assembly Bill No. 555—An Act in relation to State aid for internal improvement.

Also, Assembly Concurrent Resolution No. 48—Granting leave of absence to A. Maurice, Jr., District Attorney of Butte County.

And, on this day, passed Senate Bill No. 287—An Act to provide for the School Department of the City of Oakland.

And, on the eleventh, passed Assembly Bill No. 442—An Act to create the County of Ventura, to establish its boundaries and to provide for its organization.

And, on this day, passed Senate Bill No. 543—An Act authorizing the sale of certain legal tender notes.

And also, on this day, refused to concur in Senate amendments to Assembly Bill No. 209—An Act to authorize the Auditor of Butte County to issue a warrant to W. S. Reese.

And also refused to recede from its amendment to Senate Bill No. 280—An Act amendatory of and supplementary to an Act entitled an Act to authorize the Judges of the Supreme Court to employ a Secretary, approved April twenty-third, eighteen hundred and fifty-eight.

And also refused to appoint a Committee of Conference on said Senate Bill No. 280.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 14th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the eleventh instant, passed Assembly Bill No. 389—An Act to pay the claim of Thomas R. Eldredge.

Also, Senate Bill No. 252—An Act to protect litigants.

Also, Senate Bill No. 101—An Act to establish a State Board of Health.

And passed, on the twelfth instant, Senate Bill No. 527—An Act to authorize the County of Sacramento to issue bonds to raise money for Court-house and jail purposes.

Also, Senate Bill No. 542—An Act relating to the care and custody of minor children in certain cases

Also, Senate Bill No. 200—An Act supplementary to an Act prescribing certain conditions for the transaction of insurance business in the State of California, approved March twenty-sixth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 186—An Act to extend an Act entitled an Act concerning District Court Reporters, approved March thirteenth, eight

teen hundred and sixty-six, to the Seventeenth Judicial District of the State of California.

Also, Senate Bill No. 221—An Act providing for the adoption of minors and the legitimizing of children born out of wedlock.

Also, Senate Bill No. 535—An Act to enable the Counties of Mendocino, Humboldt, Klamath and Del Norte to issue bonds to aid in the construction of a telegraph line through said counties.

Also, Assembly Bill No. 374—An Act to encourage iron mining.

MOFFITT,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 412, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 442, above reported, read first and second times and referred to the Committee on Counties and County Boundaries.

Assembly Bill No. 209, above reported, Assembly refuse to concur in amendments of the Senate; Senate refuse to recede from their amendments, and a committee of conference ordered to be appointed.

Assembly Concurrent Resolution No. 48, above reported, read first and second times and placed on file.

Assembly Bill No. 160, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 555, above reported, read first and second times and referred to the Committee on Internal Improvements.

Assembly Concurrent Resolution No. 49, above reported, read first and second times and adopted.

Assembly Bill No. 374, above reported, read first and second times and referred to the Committee on Mines and Mining Interests.

Assembly Bill No. 389, above reported, read first and second times and referred to the Committee on Claims.

#### INTRODUCTION OF BILLS.

Bills were introduced as follows:

By Mr. Conn—An Act to authorize the guardian of the minor children of Robert S. Carlisle to sell certain real estate

Read first and second times and referred to the Judiciary Committee.

By Mr. Hager—An Act to provide for the official valuation of life insurance policies.

Read first and second times and referred to the Judiciary Committee.

By Mr. Roberts—An Act in relation to Public Messengers and other officers engaged in public duties, and defining their privileges.

Read first and second times and referred to the Committee on Roads and Highways.

By Mr. Hunter—An Act to create a Redemption Fund and to provide means for defraying the expenses of the County of El Dorado.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Kincaid—An Act to authorize the Boards of Supervisors of the several counties of this State to grant franchises in their respective counties for clearing out streams not navigable in their respective counties, and for using the waters of the same for rafting, floating and booming purposes.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Larkin—An Act authorizing the Controller of State to exchange certain State revenue stamps.

Read first and second times and referred to the Finance Committee.

By Mr. Banvard—An Act to provide for the registration of the citizens and legal voters of this State, and for the prevention and punishment of frauds affecting the elective franchise.

Read first and second times and referred to the Committee on Elections.

Also, an Act to repeal an Act entitled an Act supplementary to and amendatory of the various Acts regulating elections, and to repeal certain laws on the subject. approved March thirty-first, eighteen hundred and sixty-six, and to revive certain laws by said Act repealed.

Read first and second times and referred to the Committee on Elections.

By Mr. Irwin—An Act to provide for the maintenance of the indigent sick in certain townships therein named, in Siskiyou County.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Hager—An Act concerning street railroads.

Read first and second times and referred to the Committee on Corporations.

By Mr. Pendegast—An Act concerning the office of County Clerk of Napa County.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

Also, an Act to provide for the construction and maintenance of a wagon road in the County of Lake.

Read first and second times and placed on file.

By Mr. Beach—An Act relating to the sale of patent medicines, nostrums or compounds.

Read first and second times and referred to the Committee on Hospitals.

By Mr. Minis—An Act to authorize the Board of Supervisors of Yolo County to retain counsel to prosecute or defend proceedings in relation to claims against Swamp Land District Number Eighteen.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Saunders—An Act to ratify and confirm certain proceedings of the Board of Supervisors of the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

#### REPORT.

Mr. Lawrence, from the Committee on Corporations, made the following majority report :

MR. PRESIDENT: A majority of the Committee on Corporations, to whom was referred Senate Bill No. 538—An Act to authorize the Counties of Tehama and Colusa to aid in the construction of the railroad proposed to be built by the Benicia and Red Bluff Railroad Company—report the same back and recommend its passage with the following amendments: Amend section one, lines seven and eight, by striking out "first Saturday in the same month," and substituting the words

"last Saturday in April, eighteen hundred and seventy;" amend section four, by striking out the entire section and substituting the section herewith attached to the original bill; amend section six by striking out the entire section and substituting the section attached to the original bill.

SAUNDERS,  
LAWRENCE,  
CHAPPELL,  
KINCAID.

Mr. Lewis moved to suspend the rules for the consideration of Senate Bill No. 538, above reported.

Upon which the ayes and noes were demanded by Messrs. Lewis, Kincaid and Betge, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Betge, Comte, Conn, Farley, Fowler, Gwin, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Mandeville, McDougall, O'Connor, Orr, Pendegast, Perkins, Saunders, Tompkins, Turner, Tweed, Wand, Wilson and Wing—27.

**NOES**—Messrs. Beach, Burnett, Green, Hager, Maclay, Minis, Morrill and Roberts—8.

[Mr. Mandeville in the chair.]

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

#### MOTIONS, RESOLUTIONS AND NOTICES.

On motion of Mr. Betge, substitute for Senate Bills Nos. 29 and 39 was ordered on top of file for Wednesday next.

On motion of Mr. Irwin, Senate Bill No. 471 was taken up for consideration.

The rules were suspended, bill considered engrossed, read a third time and passed.

By Mr. Lewis:

*Resolved* by the Senate, the Assembly concurring, That the Legislature adjourn *sine die* on Saturday, the nineteenth day of March, eighteen hundred and seventy.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs Larkin, Perkins and Fowler, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Betge, Conn, Curtis, Farley, Fowler, Gwin, Hager, Hunter, Hutchings, Larkin, Lewis, Minis, O'Connor, Perkins, Roberts, Saunders, Turner and Wing—18.

**NOES**—Messrs. Banvard, Beach, Burnett, Chappell, Comte, Irwin, Kincaid, Lawrence, Maclay, Mandeville, McDougall, Murch, Tompkins, Tweed, Wand and Wilson—16.

Mr. Betge gave notice that he would, on to-morrow, move to reconsider the vote by which the above resolution was adopted.

By Mr. Maclay :

*Resolved* by the Senate, the Assembly concurring, That the Governor be requested to return to the Senate, Senate Bill No. 314, for the purpose of having an enacting clause inserted in it, and that the Secretary of the Senate be authorized to make the correction.

Adopted.

By Mr. Murch :

*Resolved*, That the Committee on Judiciary is hereby instructed and directed to report back to the Senate, on to-morrow, Senate Bill No. 24—Proposed amendments to the Constitution of the State of California.

Adopted.

By Mr. Irwin :

*Resolved* by the Senate, the Assembly concurring, That the Secretary of State be and he is hereby directed to furnish a certified copy of the Siskiyou County fee and salary bill, El Dorado County fee and salary bill, Calaveras County fee and salary bill, and the Nevada County fee and salary bill, and the Sierra County fee and salary bill, to the State Printer, and that the State Printer be directed to print two hundred and forty copies of each.

Adopted.

Mr. Larkin verbally reported Senate Bill No. 495, with amendments, and recommended its passage as amended.

The rules were suspended, and bill above reported considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

#### GENERAL FILE.

Assembly Bill No 57—An Act to establish a quarantine for the Bay and Harbor of San Francisco, and sanitary regulations therefor.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Green, Larkin and Hunter, and the Senate refused, by the following vote :

**AYES**—Messrs. Betge, Comte, Farley, Fowler, Gwin, Hager, Hunter, Hutchings, Kincaid, Larkin, Lawrence, O'Connor, Pendegast, Saunders and Wand—15.

**NOES**—Messrs. Beach, Burnett, Chappell, Conn, Curtis, Green, Lewis, Mandeville, McDougall, Morrill, Murch, Orr, Perkins, Roberts, Tompkins, Turner, Tweed, Wilson and Wing—19.

Mr. Lewis gave notice that he would, on to-morrow, move to reconsider the vote by which the Senate refused to pass Assembly Bill No. 57.

Senate Bill No. 6—An Act concerning foreign corporations.  
Read a third time and passed.

#### REPORT.

Mr. Betge, from the Committee on Commerce and Navigation, made the following report :

Mr. PRESIDENT: The Committee on Commerce and Navigation, to whom was referred Senate Bill No. 554—An Act to extend the time allowed to the Southern Pacific Railroad Company in which to make the terminus of their road upon certain lands donated to them by the State for that purpose in the City and County of San Francisco—respectfully report that they have had the same under consideration, and report the same back and recommend its passage.

BETGE, Chairman.

At five o'clock and fifteen minutes P. M., on motion of Mr. Fowler, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

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#### IN SENATE.

SENATE CHAMBER,  
Tuesday, March 15th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

#### PETITIONS.

By Mr. Orr—From citizens of San Joaquin County, relative to stock found running at large in said county.

Read and referred to the Committee on Agriculture,

By Mr. Curtis—Memorial from the Howard Benevolent Association of Sacramento.

Read and referred to the Finance Committee.

#### REPORTS.

Mr. Hutchings, from the Committee on Roads and Highways, made the following report :

Mr. PRESIDENT: Your committee, to whom was referred Assembly Bill No. 445—An Act concerning roads and highways in the County of Sutter—report favorable and recommend its passage.

HUTCHINGS, Chairman

Mr. Gwin verbally reported Assembly Bill No. 374 and recommended its passage

Mr. Minis, from the Committee on Swamp, Tide and Overflowed Lands, made the following report:

Mr. PRESIDENT: Your Committee on Swamp, Overflowed and Tide Lands have had under consideration Senate Bill No. 506—An Act to authorize the sale of certain salt marsh and tide lands in the County of Marin; also, Senate Bill No. 492—An Act to authorize the sale and conveyance to H. A. Cobb, John H. Turner, J. M. McNulty, Joseph Austin and Thomas N. Cazneau of certain swamp, marsh, tide and submerged lands belonging to the State of California—now report the same back and recommend their passage.

Also, Senate Bill No. 211—An Act supplemental to an Act entitled an Act to provide for the management and sale of the lands belonging to the State—report the same back with amendments, and recommend its passage as amended.

MINIS, for Committee.

Mr. Larkin, from the Committee on State and County Revenue, made the following report:

Mr. PRESIDENT: Your Committee on State and County Revenue, to whom was referred Senate Bill No. 577—An Act to create a Redemption Fund and to provide means for defraying the expenses of the County of El Dorado—have had the same under consideration, report the bill back and recommend its passage.

LARKIN, Chairman.

On motion of Mr. Larkin, the rules were suspended, and Senate Bill No. 577, above reported, considered engrossed, read a third time and passed, and transmitted to the Assembly.

Mr. Betge, from the Committee on Commerce and Navigation, made the following report:

Mr. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 457—An Act granting certain parties named therein the right to construct a telegraph line from California to Japan—beg leave to report back the same, with amendments, and recommend its passage as amended.

Also, Senate Bill No. 567—An Act to authorize the sale and conveyance of certain overflowed, tide and submerged lands in Marin County, to the Pioneer Shipbuilding Company—report back the same, with amendments, and recommend its passage as amended.

Also, Assembly Bill No. 133—An Act to authorize Michael S. Derwin, his associates and assigns, to construct, maintain and use a wharf at the City of Vallejo, in the County of Solano—report back the same without recommendation.

BETGE, Chairman.



Mr. Burnett, from the Committee on Public Expenditures, made the following report :

Mr. PRESIDENT : The Committee on Public Expenditures have had under consideration Senate Bill No. 203—An Act to pay for the plank-ing of streets in the City of Sacramento—report the same back and recommend that it do not pass.

BURNETT, Chairman.

Mr. Turner made the following report :

Mr. PRESIDENT : The majority of the special committee, composed of the delegations of the Counties of Placer, Nevada, Sierra and Plumas, to whom was referred Senate Bill No. 442—An Act to create the County of Donner, to define its boundaries and to provide for its organization and maintenance—have had the same under consideration, and beg leave to report it back with the recommendation that it be indefinitely postponed.

TURNER, for Committee.

Mr. Roberts made the following reports :

Mr. PRESIDENT : The minority of the select committee, consisting of the Senatorial delegations from the Counties of Nevada Placer and Sierra, to whom was referred Senate Bill No. 442—An Act to create the County of Donner, to define its boundaries and to provide for its organization and maintenance—report the same back with amendments, and recommend the passage of the bill as amended.

ROBERTS,  
O'CONNOR.

Mr. PRESIDENT : The select committee, consisting of the delegations from the Counties of Placer and Nevada, to whom was referred Assembly Bill No. 162, report the same back with amendments, and recommend the passage of the bill as amended.

ROBERTS,  
For Majority of Delegations.

Mr. Saunders, for the San Francisco delegation, made the following report :

Mr. PRESIDENT : The San Francisco delegation, to whom was referred Senate Bill No. 546—An Act concerning the salaries of certain officers therein named—having duly considered the same, respectfully report the same back to the Senate with the following amendments, to wit : In line one of section one strike out the word "deputy" and insert the word "bookkeeper," and in line three of same section strike out the words "acting as bookkeeper." In line eight of section one, strike out the words "and fifty;" and recommend that the amendments be adopted and the bill pass as amended.

Having duly considered Assembly Bill No. 474—An Act further to define the powers and duties of the Sheriff of San Francisco—report the same back and recommend its passage.

Having had under consideration Senate Bill No. 82—An Act amendatory of and supplemental to an Act legalizing ordinance eight hun-

dred, as passed by the Board of Supervisors of the City and County of San Francisco, passed by the Legislature of the State of California, approved March twenty-seventh, eighteen hundred and sixty-eight—report back to the Senate a substitute therefor, and respectfully recommend the passage of the substitute.

SAUNDERS, for Delegation.

Mr. Wand presented the following majority report from the San Francisco delegation :

Mr. PRESIDENT : A majority of the San Francisco delegation, to whom was referred Assembly Bill No. 189—An Act to provide for a street railroad in the City and County of San Francisco—having duly considered the same, report the same back to the Senate with amendments, and recommend that the amendments be adopted and the bill, as amended, pass.

WAND, for Delegation.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 14th, 1870. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate Bill No. 79—An Act for the regulation of sailors' boarding houses and of shipping offices in the City and County of San Francisco.

Also, Senate Bill No. 117—An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board.

Also, Senate Bill No. 536—An Act to regulate fees of office and salaries of officers in Siskiyou County.

Also, Senate Bill No. 73—An Act to amend an Act entitled an Act more clearly to define the boundaries of Sacramento, Sutter and Placer Counties, approved March thirteenth, eighteen hundred and sixty-six.

Also, Senate Bill No. 477—An Act to provide for redeeming and paying the warrants outstanding against Tuolumne County, and for paying the current expenses of said county in cash, and defining and limiting the powers and duties of certain officers in relation thereto.

Also, substitute for Senate Bill No. 10—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Also, Senate Bill No. 323—An Act to provide for the liquidation of the floating indebtedness of the County of Santa Barbara, and to repeal sections eight and eleven of an Act entitled an Act to fix the compensation of officers, to provide for funding the floating debt of the County of Santa Barbara, and prohibit the contracting of any new indebtedness against said county, approved April fourth, eighteen hundred and sixty-four.

Also, Senate Bill No. 159—An Act in relation to road indebtedness of Tuolumne County incurred in the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven.

Also, substitute for Senate Bill No. 63—An Act to amend an Act entitled an Act concerning divorces, passed March twenty-fifth, eighteen hundred and fifty-one.

H. H. HAIGHT,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 14th, 1870. }

*To the Senate of the State of California:*

I herewith return to your honorable body, without my approval, substitute for Senate Bill No. 154—An Act to grant the right of way for a railroad track within the limits of the Township of Brooklyn, City of Oakland and Township of Oakland, all in the County of Alameda, and to run cars thereon.

This bill grants a franchise which could better be conferred by the local authorities, under a general law properly guarded. The labor of drafting a general law of this character would be no greater than is required for each special Act, and one general law, restricted so as to prevent abuses, would take the subject out of the Legislature without encumbering the statutes with special Acts and occupying time which is needed for general legislation.

H. H. HAIGHT,  
Governor.

MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER, }  
March 14th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the eleventh instant, passed Assembly Bill No. 316—An Act supplementary to an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

And, on the twelfth instant, passed Assembly Bill No. 494—An Act to amend sections three and five of an Act to authorize the Governor of the State of California to appoint a gauger and weigher of wines and liquors, approved March thirtieth, eighteen hundred and sixty-eight.

Also, Assembly Concurrent Resolution No. 34—Concerning lands in the desert west of Fort Yuma.

And, on this day, passed Senate Bill No. 427—An Act to establish a steam ferry in the County of Solano.

Also, passed Senate Bill No. 459—An Act to define the time when certain reports shall be made.

Also, passed Senate Bill No. 460—Relative to the printing of certain reports.

Also, adopted Senate Concurrent Resolution No. 42—Relative to authorizing the Enrolling Clerk to correct error.

FERRAL,  
Chief Clerk.

CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 494, above reported, read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 316, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Concurrent Resolution No. 34, above reported, read first and second times and referred to the Committee on Public Lands.

[President pro tem. in the chair.]

#### INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Pacheco—An Act to provide for the election of a Board of Supervisors in the County of San Luis Obispo, and fix their term of office.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

Also, an Act to legalize assessments, and to provide for the collection of delinquent taxes in the several counties of this State.

Read first and second times and referred to the Committee on State and County Revenue.

Also, an Act to authorize the issuance of bonds by the County of San Luis Obispo to erect county buildings and to purchase a site for the same.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Green—An Act to prevent hunting, shooting and camping on private lands in the County of Marin.

Read first and second times and placed on file.

By Mr. Farley—An Act to perfect title to lands granted by the United States to the State of California.

Read first and second times and referred to the Committee on Public Lands.

By Mr. Turner—An Act authorizing the Board of Supervisors of Sierra County to build a certain wagon road in said county and to issue bonds therefor.

Read first and second times and referred to the Committee on Roads and Highways, and ordered printed.

By Mr. Hager—An Act relating to the office of District Attorney of the City and County of San Francisco.

Read first and second times and referred to the Judiciary Committee.

#### REPORTS.

Mr. Hager, from the Judiciary Committee, made the following report:

MR. PRESIDENT: The Judiciary Committee, in pursuance of the instructions of the Senate, report back Senate Bill No. 24—Proposed amendments to the Constitution—without having fully considered the same and without recommendation.

HAGER, Chairman.

On motion of Mr. Murch, the bill above reported was ordered at top of engrossed bills for Thursday next.

Mr. Morrill, from the Committee on Enrolment, made the following report:

MR. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 320—An Act for the relief of Mary Likens and others.

Also, Senate Bill No. 285—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March thirty-first, eighteen hundred and sixty-six.

Also, Senate Bill No. 144—An Act to authorize William Vanderhurst et al. to construct a railroad from the City of Monterey to the Town of Salinas.

Also, Senate Bill No. 476—An Act to prevent the destruction of fish and game in, upon and around the waters of Lake Merritt or Peralta, in the County of Alameda.

Also, Senate Bill No. 56—An Act to authorize Harriet Wilkins, administratrix of the estate of Henry Wilkins, deceased, to sell the real and personal estate of said deceased.

Also, Senate Bill No. 270—An Act to prevent the importation of Chinese criminals and to prevent the establishment of coolie slavery.

Also, Senate Bill No. 352—An Act relating to Yreka School District in Siskiyou County.

Also, Senate Concurrent Resolution No. 35—Relative to granting leave of absence to Sidney Waite, of San Bernardino County.

And this day, at four o'clock and forty-five minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

On motion, the rules were suspended and Senate Bill No. 442 was placed on file.

#### MOTIONS, RESOLUTIONS AND NOTICES.

By Mr. Betge:

*Resolved*, That the Judiciary Committee be and they are hereby requested to report back, on Thursday next, Senate Bill No. 322—Relating to the repeal of the mortgage taxes.

Adopted.

Pursuant to notice, Mr. Betge moved to reconsider the vote by which the Senate adopted the resolution relative to adjourning *sine die*.

Upon the motion to reconsider, the ayes and noes were demanded by Messrs. Larkin, Perkins and Betge, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Beach, Betge, Burnett, Chappell, Comto, Farley, Green, Hutchings, Irwin, Kincaid, Lawrence, Maclay, Mandeville, McDougall, Minis, Morrill, Murch, Orr, Roberts, Tweed, Wand and Wing—23.

**NOES**—Messrs. Conn, Curtis, Fowler, Gwin, Hager, Hunter, Larkin, Lewis, O'Connor, Pacheco, Pendegast, Perkins, Saunders, Tompkins, Turner and Wilson—16.

Mr. Mandeville moved to amend the resolution by striking out "Saturday, March nineteenth," and inserting "Monday, April fourth."

Lost.

On motion of Mr. Hager, the resolution was laid on the table.

[President in the chair.]

Mr. Minis moved to place Senate Bills Nos. 180, 506, 492, 211 and 501 at the top of engrossed bills for Thursday next.

Upon which the ayes and noes were demanded by Messrs. Minis, Lewis and Green, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Beach, Burnett, Chappell, Comte, Conn, Curtis, Farley, Green, Gwin, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Mandeville, McDougall, Minis, Murch, O'Connor, Orr, Pacheco, Pendergast, Perkins, Roberts, Tompkins, Turner, Tweed, Wand, Wilson and Wing—31.

**NOES**—Messrs. Fowler, Hager, Lewis and Maclay—4.

By Mr. Irwin :

**WHEREAS**, A population of not less than two thousand persons, who are now distant from twenty to seventy-five miles from the nearest Post-office, would be supplied with necessary and convenient mail facilities by the placing of mail service and the establishment of Post-offices at the proper points on the road running from Red Bluff, Tehama County, via Bass Ranch, Dog Creek, Soda Springs, Strawberry Ranch and Shasta Valley, to Yreka, Siskiyou County; be it

*Resolved* by the Senate, the Assembly concurring, That our Senators in Congress be instructed, and our Representatives requested, to urge on the Postmaster-General that he award a contract for carrying the mail over the above named route, to some one of the parties, if any, who shall, in pursuance of the published invitation of the department for proposals, made in October last, offer to carry the same.

*Resolved*, That his Excellency the Governor be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

Read first and second times, rules suspended, resolution considered engrossed, read a third time and adopted.

#### REPORT.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

**Mr. PRESIDENT**: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 471—An Act to amend an Act to authorize the establishment of county infirmaries for the relief of the indigent, and to amend an Act entitled an Act to provide for the indigent sick in the counties of this State, approved March thirty-first, eighteen hundred and fifty-five.

Also, Senate Bill No. 523—An Act to authorize the Controller and Treasurer of State to transfer certain funds.

Also, Senate Bill No. 495—An Act to provide for the erection of a jail in the County of San Diego.

Also, Senate Bill No. 311—An Act to prevent the destruction of timber on the sixteenth and thirty-sixth sections, reserved for school purposes, and agricultural college lands.

Also, Senate Bill No. 538—An Act to authorize the Counties of Tehama and Colusa to aid in the construction of the railroad to be built by the Benicia and Red Bluff Railroad Company.

Also, Senate Bill No. 535—An Act to enable the Counties of Mendocino, Humboldt, Klamath and Del Norte to issue bonds to aid in the construction of a telegraph line through said counties.

Also, Senate Bill No. 258—An Act to make, open and establish a pub-

lie street in the City and County of San Francisco, to be called Montgomery Street South, and take private lands therefor.

O'CONNOR, Chairman.

Pursuant to notice, Mr. Lewis moved to reconsider the vote by which the Senate on yesterday refused to pass Assembly Bill No. 52.

Upon which the ayes and noes were demanded by Messrs. Roberts, Maclay and Green, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Betge, Burnett, Comte, Farley, Fowler, Gwin, Hager, Hutchings, Irwin, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, O'Connor, Pendegast, Saunders, Tompkins and Wand—22

**NOES**—Messrs. Chappell, Conn, Curtis, Green, Murch, Orr, Pacheco, Perkins, Roberts, Turner, Wilson and Wing—12.

On motion of Mr. Mandeville, the vote by which the bill was ordered to be read a third time was reconsidered.

On motion, the bill was referred to the Committee on Hospitals, with instructions to report on to-morrow.

On motion of Mr. Comte, Assembly Concurrent Resolution No. 51, reported from the Assembly, was taken up out of its order and adopted.

#### GENERAL FILE.

Senate Bill No. 183—An Act in relation to the office of State Geologist.

Mr. Tompkins offered a substitute for the bill, which was adopted.

Mr. Kincaid moved to suspend the rules and consider the bill engrossed, and place it upon its passage.

Upon which the ayes and noes were demanded by Messrs. Larkin, Hunter and Green, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Beach, Betge, Burnett, Chappell, Conly, Conn, Green, Gwin, Hutchings, Irwin, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murch, Orr, Pacheco, Pendegast, Perkins, Roberts, Saunders, Tompkins, Turner, Tweed, Wand, Wilson and Wing—31.

**NOES**—Messrs. Comte, Curtis, Farley, Fowler, Hager, Hunter, Larkin and O'Connor—8.

The bill was then read a third time and passed.

On motion of Mr. Conn, the special order, Governor's message vetoing Assembly Bills Nos. 267 and 99, was discharged, and made the special order for Tuesday, March twenty-second, at two o'clock p. m.

The President announced the appointment of Messrs. Farley, Gwin and Roberts as a Committee of Conference on the part of the Senate upon the disagreeing vote on mining resolutions.

Assembly Bill No. 520—An Act fixing the times at which the Board of Supervisors of the County of San Joaquin shall hold their regular sessions.

Rules suspended, bill read a third time and passed.

Assembly Bill No. 363—An Act to prevent hunting and shooting on private grounds in the Counties of Alameda and San Mateo.

Rules suspended, bill read a third time and passed.

Assembly Bill No. 510—An Act to amend an Act entitled an Act to incorporate the City of Sacramento.

Rules suspended, bill read a third time and passed.

Substitute for Assembly Bill No. 196—An Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six.

Referred to the delegations named in the bill, with instructions to report the same to-morrow, and that the bill resume its place on file.

Senate Bill No. 125—An Act for the encouragement of agriculture and the invention and construction of a locomotive steam plough.

The bill was read a third time.

Upon its passage, the ayes and noes were demanded by Messrs. Farley, Hunter and Maclay, and the bill was passed, by the following vote:

**AYES**—Messrs. Betge, Burnett, Chappell, Conly, Conn, Fowler, Green, Hager, Hutchings, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Pendegast, Perkins, Roberts, Saunders, Tompkins and Turner—21.

**NOES**—Messrs. Curtis, Farley, Gwin, Hunter, Larkin, O'Connor, Pacheco and Tweed—8

On motion of Mr. Beach, the rules were suspended for the consideration of Assembly Bill No. 618, this day reported from the Assembly.

The bill was read first and second times.

Rules suspended, bill read a third time and passed.

On motion of Mr. Pendegast, the Senate took up Assembly messages.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
March 15th, 1870. }

**Mr. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on this day, passed the following resolution:

*Resolved*, That the Senate be requested to return, as soon as convenient, to the House, Assembly Bill No. 403—An Act for the relief of Hall and Garrison.

MOFFITT,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 15th, 1870. }

**Mr. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on yesterday, refused to concur in Senate substitute for Assembly Bill No. 429—An Act granting a street railroad franchise in the City and County of Sacramento.

And passed the following Senate bills:

Senate Bill No. 545—An Act authorizing the Board of Supervisors of San Mateo County to allow, and the County Treasurer to pay, a certain claim of Charles Carvalho, for interpreting.



Also, Senate Bill No. 528—An Act to authorize a tax to be levied upon the taxable property of Red Bluff School District, Tehama County, for building purposes.

Also, Senate Bill No. 332—An Act to provide for paying certain claims against the City of Oakland, and to contract a funded debt for that purpose.

Also, Senate Bill No. 151—An Act to authorize the guardians of James T. Boyd, Jr., and Willie Alexander Boyd, to sell certain real estate.

Also, Senate Bill No. 453—An Act to empower the County of San Joaquin to aid in the construction of the Stockton and Visalia Railroad.

Also, Senate Bill No. 328—An Act to empower the City of Stockton to aid in the construction of the Stockton and Visalia Railroad.

Also, Senate Bill No. 540—An Act to provide for the redemption of the outstanding warrants of Amador County, and to prevent the further increase of the indebtedness of said county.

Also, Senate Bill No. 275—An Act supplementary to an Act entitled an Act to authorize Daniel Darlington and others to build a wharf in Solano County, approved February twenty-first, eighteen hundred and fifty-five.

Also, Senate Bill No. 262—An Act to provide for an official survey of the swamp, overflowed and tide lands in Marin County.

And indefinitely postponed Senate Bill No. 145—An Act to authorize William Thompson, J. M. Martin, their associates and assigns, to build and maintain a wharf at the City of Vallejo, County of Solano.

Also, passed Senate Concurrent Resolutions Nos. 39 and 41.

And, on Saturday, adopted Assembly Concurrent Resolution No. 50—For the payment of money to John H. Kealy.

And, on this day, adopted Assembly Concurrent Resolution No. 51—Requesting the Governor to return Assembly Bill No. 435.

Also, adopted Assembly Resolution No. 52—Requesting the return to the Assembly of Senate Bill No. 149.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 15th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the eleventh instant, passed Assembly Bill No. 451—An Act to provide for the payment of the funded indebtedness of the State of California, and to contract a funded debt for that purpose.

And, on the twelfth instant, passed Assembly Bill No. 369—An Act for the relief of Amos Roberts, Sheriff of Solano County.

Also, Assembly Bill No. 260—An Act relative to the quartz mines of the State of California, and to protect the miners employed therein.

Also, Assembly Bill No. 384—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, passed May fifteenth, eighteen hundred and fifty-four, and Acts amendatory thereof.

Also, Assembly Bill No. 384—An Act to amend an Act concerning corporations.

Also, Assembly Bill No. 398—An Act to amend section five hundred and thirty-eight of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Also, Assembly Bill No. 383—An Act to amend an Act entitled an Act to amend the revenue laws, approved April fourth eighteen hundred and sixty-four.

And, on yesterday, passed Assembly Bill No. 326—An Act to legalize the assessment of taxes in the County of Contra Costa for the fiscal years eighteen hundred and sixty-six, eighteen hundred and sixty-seven, eighteen hundred and sixty-eight and eighteen hundred and sixty-nine.

Also, Assembly Bill No. 405—An Act to amend an Act entitled an Act to incorporate the Town of Union, approved February second, eighteen hundred and fifty-eight.

Also, Assembly Bill No. 413—An Act to legalize, ratify and confirm deeds of conveyance and grants of lands within the pueblo lands of San Diego.

Also, Assembly Bill No. 178—An Act to ratify and confirm a certain ordinance of the City and County of San Francisco, and proceedings thereunder.

Also, Assembly Bill No. 404—An Act to authorize the Board of Supervisors of Solano County to levy an additional road tax.

Also, Assembly Bill No. 231—An Act to district the County of San Diego.

Also, Assembly Bill No. 423—An Act reorganizing the Board of Supervisors of Marin County and redistricting said county.

Also, Assembly Bill No. 438—An Act to locate the county seat of the County of Stanislaus.

Also, Assembly Bill No. 618—An Act concerning the charter election of eighteen hundred and seventy of the City of Marysville.

Also, Assembly Bill No. 597—An Act to regulate the drawing of warrants on the Treasurer of Shasta County.

Also, Assembly Bill No. 598—An Act authorizing the Board of Supervisors of the County of Santa Clara to pay to the Sheriff of said county certain moneys therein named.

Also, substitute for Assembly Bill No. 309—An Act to authorize the State Treasurer to surrender certain bonds.

Also, Assembly Concurrent Resolution No. 81—For the establishment of a mail route.

Also, Assembly Concurrent Resolution No. 37—In reference to the Presidio near San Francisco.

Also, on this day, passed Assembly Amendment No. 1 to the Constitution of the State.

Also, Assembly Bill No. 381—An Act to amend an Act entitled an Act to provide for the incorporation of colleges, passed April twentieth, eighteen hundred and fifty.

CRAWFORD,  
Assistant Clerk.

[President pro tem. in the chair.]

On motion of Mr. Pendegast, a Committee of Conference, consisting of three, was ordered to be appointed, to meet a committee of the Assembly, on the amendments to Senate Bill No. 280.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly resolution, above reported, requesting the return of Senate Bill No. 149 to the Assembly, adopted.

Assembly resolution, above reported, requesting the return to the House of Assembly Bill No. 403, adopted.

Substitute for Assembly Bill No. 429, above reported, Senate refuse to recede from their amendments.

Assembly Bill No. 451, above reported, read first and second times and referred to the Finance Committee.

Assembly Bill No. 369, above reported, read first and second times, rules suspended, bill read a third time and passed.

Assembly Bill No. 260, above reported, read first and second times and referred to the Committee on Mines and Mining Interests.

Assembly Bill No. 334, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 405, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 398, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 413, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 383, above reported, read first and second times and referred to the Finance Committee.

Assembly Bill No. 309, above reported, read first and second times and referred to the Finance Committee.

Assembly Bill No. 326, above reported, read first and second times and referred to the Committee on State and County Revenue.

Assembly Bill No. 178, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 404, above reported, read first and second times and referred to the Committee on Roads and Highways.

Assembly Bill No. 231, above reported, read first and second times and referred to the San Diego delegation.

Substitute for Assembly Bill No. 423, above reported, read first and second times and referred to the Marin delegation.

Assembly Bill No. 438, above reported, read first and second times and referred to the Committee on Counties and County Boundaries.

Assembly Bill No. 597, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 598, above reported, read first and second times, rules suspended, bill considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

Assembly Concurrent Resolution No. 31, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Concurrent Resolution No. 37, above reported, read first and second times and referred to the San Francisco delegation.

Proposed amendments to the Constitution, above reported, read first and second times and referred to the delegations from Monterey, San Luis Obispo, Santa Barbara, Los Angeles, San Diego and San Bernardino.

Assembly Bill No. 381, above reported, read first and second times and referred to the Committee on Education.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 15th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 550—An Act to provide for the submission to the people of the proposed amendment to the Constitution of this State, as proposed by the Legislature at its sixteenth session and adopted by the Legislature at its seventeenth session, to the votes of the qualified electors at the next general election.

Also, Senate Bill No. 331—An Act supplemental to an Act entitled an Act to authorize the Board of Managers of the San Francisco Orphan Asylum, or any other orphan asylum in this State, to bind out apprentices, clerks, servants, etc.

Also, Senate Bill No. 299—An Act providing for the appointment of phonographic reporters in certain cases.

Also, Senate Concurrent Resolution No. 80—Relative to the erection of a breakwater.

Also, Senate Concurrent Resolution No. 82—Relative to the construction of a ship canal across the Isthmus of Darien or Panama.

Also, Senate Concurrent Resolution No. 37—Relative to declaring Vallejo a port of entry.

And amended and passed Senate Bill No. 176—An Act to provide compensation for revision of the laws.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill No. 176, above reported, amendments made by the Assembly concurred in by the Senate.

#### MOTIONS, RESOLUTIONS AND NOTICES.

Mr. Roberts gave notice that he would on to-morrow introduce a resolution relative to the duties of the Secretary of the Senate.

Also, a resolution rescinding the rule requiring all bills to be referred to a standing committee.

By Mr. Pendegast:

*Resolved* by the Senate, the Assembly concurring, that his Excellency the Governor be requested to return to the Senate, Senate Bill No. 83—An Act to amend an Act concerning civil actions in this State.

Rules suspended and resolution adopted.

By Mr. Green:

*Resolved*, That Albert Hart be and is hereby appointed Assistant Secretary, with the per diem of eight dollars, payable out of the Contingent Fund, his duties to be to act as reader at the desk, under the supervision of the Secretary.

Read and referred to the Committee on Contingent Expenses.

By Mr. Comte:

*Resolved* by the Senate, the Assembly concurring, That W. B. C. Brown, County Clerk of the County of Sacramento, and F. R. Dray

County Assessor of said county, be and they are hereby granted leave of absence from the State for the period of four months, at such time as they may select, between the first day of April, eighteen hundred and seventy, and the first day of July, eighteen hundred and seventy-one, during their present term of office; *provided*, they shall each leave a competent and responsible deputy in each of their offices during their absence.

Read first and second times, rules suspended, resolution read a third time and adopted.

By Mr. Saunders :

*Resolved* by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate be authorized to strike out the word "his" in line five of section three of Senate Bill No. 221—An Act providing for the adoption of minors and the legitimizing of children born out of wedlock—and insert in lieu thereof the word "its."

Read first and second times, rules suspended, resolution read a third time and adopted.

By Mr. Maclay :

*Resolved* by the Senate and Assembly, That the members of the Senate and Assembly are hereby invited to be present Thursday evening, March seventeenth, at seven and a half o'clock, in the Capitol, to sample wines.

Lost.

By Mr. Maclay :

WHEREAS, The City of San José, through its Mayor, has extended an invitation to the members of the Legislature and their families to visit that city after the adjournment of the session *sine die*; therefore, be it

*Resolved* by the Senate and Assembly, That the members of the Senate and Assembly accept the invitation tendered, and fix upon Wednesday, the sixth day of April next, as the time for such visit.

Adopted.

#### GENERAL FILE RESUMED.

Assembly Bill No 143—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

#### RESOLUTION.

Mr. Orr had leave to introduce the following concurrent resolution concerning substitute for Senate Bill No 328—An Act to empower the City of Stockton to aid in the construction of the Stockton and Visalia

Railroad—and concerning Senate Bill No. 453—An Act to empower the County of San Joaquin to aid in the construction of the Stockton and Visalia Railroad :

*Resolved* by the Senate, the Assembly concurring, the unanimous consent of both bodies being first had, That the Enrolling Clerk of the Senate be and is hereby authorized and required to strike out the words "fifth Tuesday in March," wherever they occur in said substitute for Senate Bill No. 328, and wherever they occur in said Senate Bill No. 453, and insert instead of such words the words "fifteenth (15th) day of April."

Read first and second times, rules suspended, resolution considered engrossed, read a third time and passed.

[President in the chair.]

#### GENERAL FILE RESUMED.

Assembly Bill No. 350—An Act authorizing the condemnation of private property within the limits of the public streets of the City and County of San Francisco, within the Laguna survey.

Rules suspended, bill read a third time and passed.

Assembly Bill No. 565—An Act to authorize the payment of certain claims against Redwood Township, in the County of San Mateo.

Rules suspended, bill read a third time and passed.

Assembly Bill No. 324—An Act concerning estrays and animals found running at large in the County of Santa Cruz.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed; title amended and amendment adopted.

Assembly Bill No. 177—An Act to establish and define the powers and duties of the Board of Education of the City of Vallejo.

Rules suspended, bill read a third time and passed.

Mr. Kincaid had leave to introduce the following bill—An Act to relieve owners of encumbered real estate from double taxation.

Read first and second times and placed on file.

Senate Bill No 469—An Act authorizing the publication of certain legal notices in a State paper printed at the seat of Government of the State of California.

The bill was read a third time.

On the passage of the bill the ayes and noes were demanded by Messrs. Roberts, Larkin and Chappell, and the bill was passed, by the following vote :

**AYES**—Messrs. Banvard, Betge, Burnett, Comte, Curtis, Farley, Fowler, Gwin, Hager, Hunter, Hutchings, Irwin, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, Pendegast, Saunders, Tompkins, Ward and Wilson—25.

**NOES**—Messrs. Beach, Chappell, Conly, Green, Larkin, Murch, O'Connor, Orr, Pacheco, Perkins, Roberts, Turner, Tweed and Wing—14.

On motion of Mr. Mandeville, and by unanimous consent, the special order for this evening at seven and a half o'clock—resolutions relative to the Fifteenth Amendment—was discharged and made the special order for to-morrow, at twelve o'clock M.

#### REPORTS.

Mr. Morrill, from the Committee on Enrolment, made the following reports :

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled substitute for Senate Bill No. 255—An Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island, Vallejo and Benicia.

Also, Senate Bill No. 458—An Act entitled an Act to amend an Act entitled an Act to amend an Act concerning roads and highways in the Counties of Mariposa and Tulare, approved January seventeenth, eighteen hundred and sixty-six, approved March thirteenth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 309—An Act to authorize the Board of Supervisors of San Joaquin County to appropriate money for the use of the San Joaquin Valley Agricultural Society.

Also, Senate Bill No. 516—An Act to authorize the Board of Supervisors of San Joaquin County to issue a certain bond.

Also, Senate Bill No. 428—An Act to authorize the construction of a railroad in the Town of Santa Clara, and confirming an order of the Board of Trustees of said town in relation thereto.

Also, Senate Bill No. 228—An Act to authorize and require the County of Santa Cruz to pay over certain school moneys to certain school districts of San Mateo County.

Also, Senate Bill No. 303—An Act to equalize the rates of fare of the City Railroad Company with certain other street railroad companies in the City and County of San Francisco.

Also, Senate Concurrent Resolution No. 40—Relative to authorizing Enrolling Clerk to correct clerical error in Senate Bill No. 458.

And this day, at one o'clock and fifteen minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 543—An Act authorizing the sale of certain legal tender notes.

Also, Senate Bill No. 400—An Act to amend an Act entitled an Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds, approved April fourth, eighteen hundred and sixty-four.

Also, Senate Bill No. 109—An Act to settle and pay the unpaid expenses of the State Geological Survey.

Also, Senate Bill No. 179—An Act to provide for laying down gas pipes in the streets of Sacramento and for furnishing gas to public and private buildings therein and for lighting the streets thereof.

Also, Senate Bill No. 172—An Act to amend an Act providing for the

time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three.

Also, Senate Bill No. 527—An Act to authorize the County of Sacramento to issue bonds to raise money for Court-house and jail purposes.

Also, Senate Bill No. 200—An Act supplementary to an Act prescribing certain conditions for the transaction of insurance business in the State of California, approved March twenty-sixth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 399—An Act to amend an Act to provide for paying certain equitable claims against the State of California, and to contract a funded debt for that purpose, approved April twenty-eighth, eighteen hundred and fifty-seven.

And this day, at three o'clock and forty-five minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

At four o'clock and thirty minutes P. M., on motion of Mr. Comte, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Wednesday, March 16th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Rev. O. P. Fitzgerald.

Journal of yesterday read and approved.

## APPOINTMENTS.

The President announced the appointment of Messrs. Curtis, Burnett and Larkin as a Committee of Conference on the disagreeing vote on the Sacramento street railroad.

Also, announced the appointment of Messrs. Pendegast, Gwin and Tweed as a Committee of Conference on the disagreeing vote on Senate Bill No. 280.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 585—An Act concerning the office of County Clerk of Napa County.



Also, substitute for Senate Bill No. 183—An Act in relation to the office of State Geologist

Also, Senate Bill No. 588—An Act to authorize the Board of Supervisors of Yolo County to retain counsel to prosecute or defend proceedings in relation to claims against Swamp Land District Number Eighteen.

Also, Senate Bill No. 590—An Act to provide for the election of a Board of Supervisors in the County of San Luis Obispo and fix their term of office.

Also, Senate Concurrent Resolution No. 46—Relative to requesting the Postmaster-General to establish Post-offices on the road from Red Bluff to Strawberry Valley, Siskiyou, etc.

Also, Senate Bill No. 582—An Act to provide for the maintenance of the indigent sick in certain townships therein named, in Siskiyou County.

O'CONNOR, Chairman.

Mr. Betge, from the Committee on Commerce and Navigation, made the following report:

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 131—An Act to authorize James H. Thompson, William Starnas, their associates, successors and assigns, to build and maintain a wharf at the City of Vallejo, in the County of Solano—beg leave to report back the same and recommend that it do not pass.

BETGE, Chairman.

Mr. Hutchings, from the Committee on Roads and Highways, made the following report:

MR. PRESIDENT: Your committee, to whom was referred Senate Bill No. 541—An Act to provide for the construction of a wagon road from Redwood City to the Town of Pescadero, in the County of San Mateo; also, Assembly Bill No. 404—An Act to authorize the Board of Supervisors of Solano County to levy an additional road tax—report favorable and recommend their passage.

HUTCHINGS, Chairman.

Mr. McDougall, from the Committee on State Hospitals, made the following report:

MR. PRESIDENT: The Committee on State Hospitals, to whom was referred Assembly Bill No. 57—An Act to establish a quarantine for the Bay and Harbor of San Francisco and sanitary regulations for the City and County of San Francisco—having had the same under consideration, beg leave to report it back, with amendments, and recommend its passage as amended.

MCDUGALL, Chairman.

On motion of Mr. Wand, the rules were suspended for the consideration of Assembly Bill No. 57, above reported.

The bill was considered in Committee of the Whole and amended.

## IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate, with the exception of the amendment striking out section eighteen.

Upon concurring in the amendment to strike out section eighteen, the ayes and noes were demanded by Messrs. Wand, Pendegast and Betge, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Beach, Burnett, Chappell, Conly, Conn, Curtis, Green, Maclay, Mandeville, Morrill, Murch, Orr, Pacheco, Perkins, Roberts, Saunders, Tompkins, Turner, Tweed, Wilson and Wing—21.

**NOES**—Messrs. Banvard, Betge, Comte, Farley, Fowler, Gwin, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, McDougall, Minis, O'Connor and Wand—18.

Mr. Farley moved to lay the bill upon the table.

Upon which the ayes and noes were demanded by Messrs. Roberts, Hunter and Larkin, and the Senate refused, by the following vote :

**AYES**—Messrs. Banvard, Betge, Comte, Farley, Fowler, Green, Hunter, Hutchings, Larkin, Lewis, Maclay, Mandeville, O'Connor, Pendegast, Wilson and Wing—16.

**NOES**—Messrs. Beach, Burnett, Chappell, Conly, Conn, Curtis, Gwin, Hager, Irwin, Lawrence, McDougall, Minis, Morrill, Murch, Orr, Pacheco, Perkins, Roberts, Saunders, Tompkins, Turner, Tweed and Wand—23.

Mr. Larkin moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Larkin, Hunter and Green, and the Senate refused, by the following vote :

**AYES**—Messrs. Banvard, Curtis, Farley, Fowler, Green, Hunter, Hutchings, Larkin, O'Connor and Pendegast—10.

**NOES**—Messrs. Beach, Betge, Burnett, Chappell, Comte, Conly, Conn, Gwin, Hager, Irwin, Kincaid, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, Murch, Orr, Pacheco, Perkins, Roberts, Saunders, Tompkins, Turner, Tweed, Wand, Wilson and Wing—29.

Mr. Burnett moved to reconsider the vote whereby the Senate concurred in the amendment made in Committee of the Whole, striking out section eighteen.

Upon which the ayes and noes were demanded by Messrs. Roberts, Pendegast and Chappell, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Betge, Burnett, Comte, Farley, Fowler, Gwin, Hager, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, McDougall, Minis, O'Connor, Pendegast, Saunders and Wand—20.

**NOES**—Messrs. Beach, Chappell, Conly, Conn, Curtis, Green, Hunter, Maclay, Mandeville, Murch, Orr, Pacheco, Perkins, Roberts, Tompkins, Turner, Tweed, Wilson and Wing—19.

Upon concurring in the amendment made in Committee of the Whole, striking out section eighteen, the ayes and noes were demanded by Messrs. Roberts, Murch and Pendegast, and the Senate refused, by the following vote :

**AYES**—Messrs. Beach, Chappell, Conly, Conn, Curtis, Green, Maundeville, Murch, Orr, Pacheco, Perkins, Roberts, Tompkins, Turner, Twced, Wilson and Wing—17.

**NOES**—Messrs. Banvard, Betge, Burnett, Comte, Farley, Fowler, Gwin, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, McDougall, Minis, O'Connor, Pendegast, Saunders and Wand—21.

Mr. Green moved to amend section twenty-two, line two, by striking out the word "Saucelito" and inserting in lieu thereof "Angel Island." Lost.

Mr. Green moved to amend section twenty-two, line two, by inserting "to be situated at or near Saucelito."

Adopted.

The bill was read a third time and passed.

Mr. Farley, from the Committee on Federal Relations, presented the following majority report:

**MR. PRESIDENT:** A majority of your Committee on Federal Relations, to whom was referred Senate concurrent resolutions—Application of the Legislature of the State of California to Congress, to call a convention to amend the Constitution—have had the same under consideration, and report the same back and recommend their passage.

**FARLEY, Chairman.**

Mr. Saunders, from the Committee on Corporations, made the following report:

**MR. PRESIDENT:** The Committee on Corporations, to whom was referred Senate Bill No. 196—An Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two—have had the same under consideration, and report it back without recommendation.

Also, Senate Bill No. 288—An Act to authorize the incorporation of water companies and canal companies—have considered the same and report it back without recommendation.

Also, Senate Bill No. 312—An Act supplemental to an Act concerning public ferries and toll bridges, approved April twenty-eighth, eighteen hundred and fifty-five—report the same back with amendments, and as amended recommend that it be passed.

Also, Senate Bill No. 404—An Act to amend an Act entitled an Act to incorporate the Town of Santa Barbara, approved February tenth, eighteen hundred and sixty-four—report the same back and recommend that it be passed.

Also, Senate Bill No. 418—An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one—report the same back and recommend that it be passed.

Also, Senate Bill No. 436—An Act to provide for the formation of corporations for the accumulation of funds and savings, and the direct promotion of manufacturing and mechanic arts, agriculture and mining—report the same back and recommend that it be passed.

Also, Senate Bill No. 462—An Act to amend an Act relative to the

incorporation of railroad companies and the management of the affairs thereof, approved May twentieth, eighteen hundred and sixty-one—report the same back and recommend that it be passed.

SAUNDERS, Chairman.

On motion of Mr. Larkin, the rules were suspended for the consideration of Senate Bill No. 342, above reported.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Pendegast, from the Committee on Public Lands, made the following report :

MR. PRESIDENT: The Committee on Public Lands having had under consideration Senate Bill No. 524—An Act to protect settlers on public lands—report the same back and recommend its passage.

Also, Senate Bill No. 594—An Act to perfect title to lands granted by the United States to the State of California—report the same back with amendments, and recommend the adoption of the amendment and the passage of the bill as amended.

PENDEGAST, Chairman.

Mr. Larkin, from the Committee on State and County Revenue, made the following report :

MR. PRESIDENT: Your Committee on State and County Revenue, having had under consideration Assembly Bill No. 326—An Act to legalize the assessment of taxes in the County of Contra Costa for the fiscal years A. D. eighteen hundred and sixty-six, eighteen hundred and sixty-seven, eighteen hundred and sixty-eight and eighteen hundred and sixty-nine—report the same back and recommend its passage.

Also, Senate Bill No. 592—An Act to authorize the issuance of bonds by the County of San Luis Obispo to erect county buildings and to purchase a site for the same—has also been considered by your committee, and its passage recommended, with the following amendment: Amend by striking out in section twelve the first portion of the section down to the word "before," in line six.

LARKIN, Chairman.

Mr. Wand, from the Committee on Contingent Expenses, made the following report :

MR. PRESIDENT: Your Committee on Contingent Expenses have had under consideration various resolutions in relation to the appointment of some competent person to complete the Appendices and Journals of the Senate at the close of the session, and, after due deliberation, determined on recommending the award of the work to J. B. Stevens, Minute Clerk of the Senate, at twelve and one-half cents per folio.

WAND, Chairman.

Mr. Hunter, from the Committee on Military Affairs, made the following report:

MR. PRESIDENT: The Committee on Military Affairs have had Senate Bill No. 377 under consideration, and report the same back to the Senate with amendments, and recommend the passage of the bill as amended.

HUNTER, Chairman.

Mr. Irwin, from the Committee on State Library, made the following report:

MR. PRESIDENT: Your Committee on State Library, to whom was referred Senate Bill No. 443—An Act to authorize the State Librarian to purchase of Sumner Whitney certain volumes of the California Reports—have had the same under consideration, and report it back with amendments, and recommend the adoption of the amendments and the passage of the bill as amended.

IRWIN, Chairman.

Mr. Saunders, from the Committee on Corporations, made the following report:

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 154—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and proceedings had thereunder—respectfully report the same back to the Senate with amendments, and recommend that the amendments be adopted and the bill pass as amended.

SAUNDERS, Chairman.

On motion, the rules were suspended for the consideration of Assembly Bill No. 154, above reported.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Read a third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Lawrence, Betge and Chappell, and the bill was passed, by the following vote:

AYES—Messrs. Banvard, Betge, Burnett, Comte, Conly, Conn, Farley, Fowler, Green, Gwin, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, McDougall, Minis, Morrill, O'Connor, Pendegast, Saunders, Wand, Wilson and Wing—27.

NOES—Messrs. Chappell, Mandeville, Murch, Tompkins and Tweed—5.

Mr. Lawrence gave notice of a motion to reconsider the vote by which said bill was passed.

Mr. Conn, for the San Diego delegation, made the following report:

**Mr. PRESIDENT:** The delegation from San Diego, to whom was referred Assembly Bill No. 231—An Act to district the County of San Diego and to provide for the election of Supervisors—report the bill back with an amendment, and recommend the passage of the bill as amended.

CONN, for Delegation.

On motion of Mr. Conn, the rules were suspended for the consideration of Assembly Bill No. 231, above reported.

Amendments proposed by delegation adopted.

Rules suspended, bill read a third time and passed.

Mr. Gwin made the following report:

**Mr. PRESIDENT:** Your committee, to whom was referred substitute for Assembly Bill No. 423, have had the same under consideration, and report the same back and recommend the passage of the substitute.

GWIN, for Delegation.

Rules suspended, and bill above reported taken up, read a third time and passed.

[President pro tem. in the chair.]

Mr. Maclay, from the Committee on Education, made the following report:

**Mr. PRESIDENT:** Your Committee on Education, to whom was referred Assembly Bill No. 381—An Act to amend an Act entitled an Act to provide for the incorporation of colleges, passed April twentieth, eighteen hundred and fifty—have had the same under consideration, and report the same back and recommend its passage.

MACLAY, Chairman.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 16th, 1870.

*To the Senate of the State of California:*

I herewith return, by request, to your honorable body, Senate Bill No. 83—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice in this State, approved April twenty-ninth, A. D. eighteen hundred and fifty-one.

H. H. HAIGHT,  
Governor.

On motion, the bill above returned from the Governor was referred to the Judiciary Committee, with instructions to report immediately.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly:

ASSEMBLY CHAMBER,  
March 16th, 1870. }

**Mr. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on yesterday, refused to concur in Senate amendments to Assembly Bill No. 441—An Act to authorize the Board of Trustees of the City of Sacramento to allow a certain claim therein mentioned.

Also, passed substitute for Senate Bill No. 293—An Act authorizing the parties therein named, their associates and assigns, to construct and maintain a ship canal from the City of Stockton to deep water on the San Joaquin River.

Also, amended and passed Senate Bill No. 243—An Act to empower the Counties of Stanislaus and Merced, Fresno, Tulare and Kern, to aid in the construction of a railroad in said counties.

Also, passed Senate Bill No. 244—An Act to empower the City and County of San Francisco, and the Counties of Monterey and San Luis Obispo, to aid in the construction of the Southern Pacific Railroad and other purposes.

Also, Senate Concurrent Resolution No. 43—Relative to printing fee bills.

Also, Senate Concurrent Resolution No. 45—Requesting Governor to return Senate Bill No. 314.

Also, Senate Concurrent Resolution No. 49—Relative to authorizing Enrolling Clerk to correct error in Senate Bill No. 328.

And, on the fourteenth instant, passed Assembly Bill No. 446—An Act concerning roads and highways in the County of Placer.

And, on this day, passed Assembly Concurrent Resolution No. 54—Relative to requesting the Governor to return Assembly Bill No. 77 for correction.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 16th, 1870. }

**Mr. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Concurrent Resolution No. 55—Directing the State Librarian to deliver to each of the Judges of the United States Courts on the Pacific Coast a copy of California Reports and session laws.

Also, concurred in Senate amendments to Assembly Bills Nos. 209 and 598.

And this day appointed, as a Committee of Conference on the disagreeing vote on Senate Bill No. 280, Messrs. Andrews, G. R. B. Hayes, Williams, and Henley of Sonoma.

And passed Senate Bill No. 471—An Act to amend an Act entitled an Act to authorize the establishment of county infirmaries for the relief of the indigent, and to amend an Act, etc.

And this day concurred in the second, third and fourth amendments, and refused to concur in the first and fifth amendments (Senate) to Assembly Bill No. 324—An Act concerning estrays and animals found running at large in the County of Santa Cruz.

And adopted Senate Concurrent Resolution No. 49—Relative to returning Senate Bill No. 83.

Also, adopted Senate Concurrent Resolution No. 48—Relative to authorizing Enrolling Clerk to correct Senate Bill No. 221.

And this day appointed, as Committee of Conference on disagreeing vote on Assembly Bill No. 429—An Act granting a street railroad franchise in the City and County of Sacramento—Messrs. Martin of Siskiyou, Horan, and Brown of Amador.

And have also corrected error in Senate Bill No. 149—An Act concerning the Insane Asylum of the State of California—and herewith return same to the Senate.

And, on the fourteenth instant, passed Assembly Bill No. 345—An Act to authorize the San Diego and Southern Pacific and Atlantic Railroad Company and its assigns, to construct, maintain and use a wharf and wharves in front of pueblo lots eleven hundred and sixty-three and eleven hundred and sixty-four, at South San Diego, in the County of San Diego.

Also, Assembly Bill No. 392—An Act authorizing the Board of Supervisors of Kern County to issue bonds.

Also, Assembly Bill No. 406—An Act to determine the lines and grades of streets, avenues, highways and lanes in the City and County of San Francisco.

Also, Assembly Bill No. 411—An Act to alter and better to define the corporate limits of the Town of Santa Rosa, in the County of Sonoma.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bill No. 243, above reported, amendments made by the Assembly concurred in by the Senate.

Senate Bill No. 427, above reported, amendments of Assembly concurred in by the Senate.

Assembly Bill No. 446, above reported, read first and second times and referred to the Placer delegation.

Assembly Bill No. 441, above reported, read first and second times and recommitted to the Sacramento delegation.

Assembly Concurrent Resolution No. 77, above reported, read first and second times and adopted.

Assembly Bill No. 324, above reported, Senate refuse to recede from their amendments to said bill.

On motion, the President pro tem. appointed Messrs. McDougall, Mandeville and Tweed as a Committee of Conference on said bill.

Substitute for Senate Bill No. 293, above reported, amendments made by the Assembly concurred in by the Senate.

Assembly Bill No. 345, above reported, read first and second times and referred to the San Diego delegation.

Assembly Bill No. 392, above reported, read first and second times and referred to the Kern delegation.

Assembly Bill No. 406, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 411, above reported, read first and second times and referred to the Sonoma delegation.

Assembly Concurrent Resolution No. 55, above reported, read first and second times and referred to the Judiciary Committee.



## REPORT.

Mr. Pendegast, from the Judiciary Committee, made the following report :

Mr. PRESIDENT: The Judiciary Committee, to whom was referred Senate Bill No. 83—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of this State, approved April twenty-ninth, eighteen hundred and fifty-one—having considered the same, beg leave to report it back, and recommend the passage of the following joint resolution :

*Resolved* by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate be and he is hereby authorized to amend section two of Senate Bill No. 83.

PENDEGAST, for Committee.

The rules were by unanimous consent suspended, and the resolution adopted and transmitted to the Assembly.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Lewis—An Act to incorporate the Town of Colusa.

Read first and second times and placed on file, and ordered printed.

By Mr. Hager—An Act to amend an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Read first and second times and referred to the Judiciary Committee.

By Mr. Betge—An Act to declare Sanford E. Watts of lawful age, for certain purposes.

Read first and second times and referred to the Judiciary Committee.

By Mr. Saunders—An Act to increase the number of the Trustees of the Church of the Advent of the City and County of San Francisco and ratifying and confirming the acts of its Trustees

Read first and second times and referred to the Judiciary Committee.

By Mr. Hager—An Act for the relief of certain orphan asylums.

Read first and second times and referred to the Finance Committee.

By Mr. Banvard—An Act extending the authority of E. L. Craig, late District Attorney of the County of Placer, in the prosecution and defence of certain actions and proceedings and other matters relating thereto.

Read first and second times and referred to the Finance Committee.

By Mr. Kincaid—An Act to encourage ship building and manufactures.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Comte—An Act to empower the California Dry Dock Company to change the location of its floating dock in the Bay of San Francisco.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Morrill—An Act providing for the payment of the balance of a judgment in favor of Tristram C. Gilman against the County of Contra Costa, State of California.

Read first and second times and, with accompanying documents, referred to the Committee on Claims.

By Mr. Curtis—An Act to provide for the liquidation of all claims against the State not otherwise provided for by law.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Pendegast—An Act to amend an Act entitled an Act in reference to library associations, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Wing—An Act to repeal an Act entitled an Act to incorporate the Town of Columbia, in Tuolumne County, approved April ninth, eighteen hundred and fifty-seven, and all Acts supplementary thereto and amendatory thereof, and to provide for disposing of the property and settling up the indebtedness of said Town or City of Columbia.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Wilson—An Act to create a Board of Water Commissioners in the City of Los Angeles and to define their powers and duties.

Read first and second times and referred to the Committee on Agriculture.

By Mr. Perkins—An Act to legalize certain applications for the purchase of lands belonging to this State.

Read first and second times and referred to the Committee on Public Lands.

#### RESOLUTIONS.

By Mr. Roberts :

*Resolved*, That the Secretary of the Senate be and is hereby instructed to divide the bills which now are, or may be hereafter placed on file, into two classes—general and special—according to their character, and shall make up two files, one to be known as the "General File," and the other as the "Special File."

Adopted.

By the same :

*Resolved*, That from and after Thursday, the seventeenth instant, evening sessions of the Senate shall be held, commencing at half past seven o'clock P. M., unless otherwise ordered by the Senate; at which sessions the special file shall be considered as the special order, in preference to all other business.

Adopted.

By the same :

*Resolved*, That Senate Rule No. —, which requires that every bill shall be referred to a standing committee, be and the same is hereby rescinded.

Adopted.

By Mr. Mandeville :

Rule 6. The general file shall be the special order for each day, from twelve o'clock until two P. M., unless sooner disposed of; and when the hour arrives for considering the general file, the President shall not entertain any motion except motions relating to the general file, or a motion to adjourn; but no bill shall lose its place upon the file by expiration of the time, or by adjournment of the Senate, while it is under consideration; and this order shall take precedence of all others.

Adopted.

By Mr. O'Connor :

*Resolved* by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate be authorized to insert the words " or she " after the word " he," in the fifteenth line of section six of an Act entitled an Act providing for the adoption of minors and the legitimizing of children born out of wedlock.

Adopted.

#### REMONSTRANCE.

By Mr. Hager—From citizens of San Francisco, against the passage of a bill for the extension of Montgomery street, in said city.

Reading dispensed with, and referred to the San Francisco delegation.

On motion of Mr. Farley, the rules were suspended, and the report of the Committee on Contingent Expenses, relative to copying Appendices, was taken up.

Mr. Minis offered the following substitute for the report of the committee :

*Resolved*, That Philip Oppenheim be and he is hereby authorized to copy up the Appendix at ten cents per folio, sufficient bonds to be given for the faithful performance of the work.

Lost.

The report of the Committee on Contingent Expenses, awarding to J. B. Stevens, Minute Clerk of the Senate, the copying of the Appendices and Journal of the Senate of the eighteenth session, was adopted.

By Mr. Fowler :

*Resolved* by the Senate, the Assembly concurring, That Thomas Laspierre, District Attorney of Kern County, be and is hereby granted leave of absence from the State for the period of four months, at such time as he may select during his term of office ; *provided*, he shall leave a competent and responsible deputy in his office during his absence.

Read first and second times, rules suspended, read a third time and adopted.

On motion of Mr. McDougall, the rules were suspended for the consideration of Senate Bill No. 416—An Act amendatory of an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three.

The rules were further suspended, bill read a third time and passed.

On motion of Mr. Betge, the rules were suspended for the consideration of Senate Bill No. 82—An Act amendatory of and supplemental to an Act legalizing order number eight hundred, as passed by the Board of Supervisors of the City and County of San Francisco.

Substitute reported by committee adopted.

Rules suspended, bill read a third time and passed.

#### GENERAL FILE.

Assembly Bill No. 512—An Act establishing a commission for the revision of the laws.

Mr. Perkins moved to refer the bill to the Judiciary Committee.

Upon which the ayes and noes were demanded by Messrs. Mandeville, O'Connor and Fowler, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Beach, Chappell, Comte, Conly, Curtis, Green, Hager, Hutchings, Irwin, Kincaid, Maclay, Murch, Orr, Pacheco, Pendegast, Perkins, Saunders, Tweed, Wilson and Wing—20.

**NOES**—Messrs. Banvard, Betge, Farley, Fowler, Gwin, Hunter, Larkin, Mandeville, Minis, O'Connor, Roberts, Turner and Wand—13.

On motion, the Judiciary Committee was instructed to report the bill on to-morrow morning, and that the same be placed on the file it now occupies.

Senate Bill No. 257—An Act to encourage the prosecution and manufacture of sugar in California.

Laid on the table.

Substitute for Assembly Bills Nos. 29 and 39—An Act to establish a Board of Police Commissioners for the City and County of San Francisco, and to define their powers and duties.

Referred to the San Francisco delegation, with instructions to report the same on to-morrow, and that the same be placed second on the file for that day.

Assembly Bill No. 119—An Act to provide for the improvement of the rivers and streams in Santa Clara County.

Referred to the Committee on Swamp and Overflowed Lands.

[Mr. Mandeville in the chair.]

Mr. Kincaid moved to suspend the rules for the consideration of Senate Bill No. 541.

The Chair decided the motion out of order, under rule six of the standing rules of the Senate, as amended and adopted.

Mr. Kincaid appealed from the decision of the Chair, and the Senate refused to sustain the decision.

Senate Bill No. 541 was taken up out of its order, rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 447—An Act to make, open and establish a public street in the City and County of San Francisco, to be called Montgomery avenue, and to take private lands therefor.

Made the special order for Friday next, at two o'clock P. M.

Mr. Wand had leave to introduce the following resolution:

**WHEREAS**, To-morrow, March seventeenth, will be St. Patrick's Day—a day greatly revered by a large number of our fellow citizens, and respected by all Christians in our community; therefore, be it

*Resolved*, That when the Senate adjourns, it adjourn till half-past seven o'clock to-morrow evening, out of respect to St. Patrick's Day.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. Murch, Hunter and Green, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Comte, Curtis, Farley, Green, Gwin, Irwin, Kincaid, Lewis, Maclay, Mandeville, Minis, Morrill, O'Connor, Pacheco, Perkins, Saunders and Wand—17.

**NOES**—Messrs. Banvard, Burnett, Chappell, Conly, Conn, Hager, Hunter, Hutchings, Larkin, Lawrence, Murch, Orr, Roberts, Tompkins, Turner and Tweed—16.

Assembly Concurrent Resolution No. 48—Granting leave of absence to A. Maurice, District Attorney of Butte County.

Read a third time and adopted.

Senate Bill No. 241—An Act supplemental to an Act entitled an Act defining the times for commencing civil actions.

Read a third time and passed.

Assembly Bill No. 445—An Act concerning roads and highways in the County of Sutter.

Read a third time and passed.

[President in the chair.]

Assembly Bill No. 374—An Act to encourage iron mining.

Mr. O'Connor moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. O'Connor, Conn and Minis, and the Senate refused, by the following vote:

**AYES**—Messrs. Burnett, Comte, Conn, Curtis, Fowler, Hutchings, Murch, O'Connor and Wilson—9.

**NOES**—Messrs. Banvard, Beach, Betge, Chappell, Conly, Farley, Green, Gwin, Hager, Hunter, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, Orr, Perkins, Roberts, Saunders, Tompkins, Turner, Wand and Wing—28.

The bill was read a third time and passed.

Assembly Bill No. 133—An Act authorizing Michael S. Derwin and his associates to construct, maintain and use a wharf at the City of Vallejo.

Indefinitely postponed.

Assembly Bill No. 162—An Act to authorize E. I. Brickell and his associates and assigns to improve the channel of the Truckee River, from its source to the Town of Truckee, and to erect flood gates therein, and to collect tolls.

Referred to the Committee on Internal Improvements, with instructions to report the same back on Friday next, and that the bill be placed on the special file for that evening.

At four o'clock and forty minutes P. M., on motion of Mr. Mandeville, the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

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IN SENATE.

SENATE CHAMBER,  
Thursday, March 17th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

On motion of Mr. Mandeville, and by unanimous consent, the vote by which Assembly Bill No. 133 was indefinitely postponed was reconsidered, and the bill referred to the Committee on Corporations.

On motion of Mr. Tweed, Senate Bill No. 62 was made the special order for Tuesday next, at two o'clock P. M.

#### REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 568—An Act to reincorporate the City of Stockton.

O'CONNOR, Chairman.

Mr. Banvard, from the Finance Committee, made the following report:

MR. PRESIDENT: Your Committee on Finance would respectfully report that they have had under consideration Senate Bill No. 570—An Act for the better protection of Treasurers of the City and County of Los Angeles—and recommend the passage of the same.

Also, Senate Bill No. 605—An Act extending the authority of E. L. Craig, late District Attorney of the County of Placer, in the prosecution and defence of certain actions and proceedings, and other matters relating thereto—and recommend its passage.

BANVARD, Chairman.

On motion of Mr. Banvard, the rules were suspended for the consideration of Senate Bill No. 605, above reported.

The rules were further suspended, bill considered engrossed, read a third time and passed.

On motion, the rules were suspended for the consideration of Senate Bill No. 570, above reported.

The rules were further suspended, bill considered engrossed, read a third time and passed.

#### PETITION.

By Mr. Kincaid—From citizens of Santa Barbara, against the passage of a bill confirming sales of certain lands made by the Trustees of the Town of Santa Barbara.

Read and referred to the Santa Barbara delegation.

#### REPORTS.

Mr. Gwin, from the Committee on Mines and Mining Interests, made the following report:

MR. PRESIDENT: Your Committee on Mines and Mining Interests have had under consideration Senate Bill No. 505—An Act to regulate the rights of the owners of mines—and report the same back and recommend its passage as amended.

GWIN, Chairman.

Mr. McDougall, from the Committee on State Hospitals, made the following report:

**Mr. President:** The Committee on State Hospitals, to whom was referred Assembly Bill No. 239—An Act to promote the study of anatomy—have had the same under consideration and report it back and recommend its passage.

Also, Senate Bill No. 587—An Act relating to the sale of patent medicines, nostrums or compounds—report it back and recommend its indefinite postponement.

**McDOUGALL, Chairman.**

**Mr. Wand** presented a report from the Committee on Contingent Expenses, recommending the payment of the following sums to Nat. Boice, Sergeant-at-Arms:

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|                                     |          |
|-------------------------------------|----------|
| Committee room rent.....            | \$926 66 |
| Sundry articles (as per bills)..... | 918 18   |
| Sundry articles (as per bills)..... | 1,291 89 |
| Daily and weekly papers.....        | 1,402 27 |

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The report of the committee was adopted.

[For full report, see Appendix.]

**Mr. Minis** had leave to introduce the following resolution:

*Resolved,* That the Sergeant-at-Arms of the Senate be and he is hereby instructed to surrender the room heretofore occupied by the Committee on Swamp and Overflowed Lands, and to discontinue the rent thereof.

Adopted.

**Mr. Tompkins**, from the Judiciary Committee, made the following report:

**Mr. President:** The Committee on Judiciary have had under consideration Senate Bill No. 37—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide revenue for the support of the Government of the State, approved April twenty-seventh, eighteen hundred and sixty-three—and report the same back with a substitute therefor, and recommend the adoption and passage of the substitute.

**TOMPKINS, for Committee.**

On motion of **Mr. Tompkins**, the rules were suspended for the consideration of Senate Bill No. 37, above reported.

Substitute reported by the Judiciary Committee adopted.

The rules were further suspended, bill considered engrossed, read a third time and passed.

**Mr. Morrill**, from the Committee on Enrolment, made the following report:

**Mr. President:** Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 101—An Act to establish a State Board of Health.

Also, Senate Bill No. 186—An Act to extend an Act entitled an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six, to the Seventeenth Judicial District of the State of California.

Also, Senate Bill No. 252—An Act to protect litigants.

Also, Senate Bill No. 275—An Act supplementary to an Act entitled an Act to authorize David N. Darlington and Isaiah Hanscom, and others, to build a wharf in Solano County, approved February twenty-first, eighteen hundred and fifty-five.

Also, Senate Concurrent Resolution No. 42—To authorize the Enrolling Clerk of Senate to correct error.

Also, Senate Bill No. 269—An Act to prevent the kidnapping and importation of Mongolian, Chinese and Japanese females for criminal and demoralizing purposes.

Also, Senate Bill No. 542—An Act relating to the care and custody of minor children in certain cases.

Also, Senate Concurrent Resolution No. 32—Relative to the construction of a ship canal across the Isthmus of Darien or Panama.

Also, Senate Concurrent Resolution No. 37—Relative to declaring Vallejo a port of entry.

Also, Senate Bill No. 550—An Act to provide for the submission to the people of the proposed amendment to the Constitution of the State, as proposed by the Legislature at its sixteenth session and adopted by the Legislature at its seventeenth session, to the votes of the qualified electors at the next general election.

And this day, at twelve o'clock and fifteen minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

[President pro tem. in the chair.]

Mr. Comte, from the Committee on Public Buildings, made the following reports :

Mr. PRESIDENT : The Committee on Public Buildings, to whom was referred Senate Bill No. 572—An Act to authorize the Board of State Capitol Commissioners to provide for the construction of a State Armory, in the City of Sacramento—respectfully report that they have had the same under consideration, report the bill back, with amendments, and recommend its passage as amended.

COMTE, for Committee.

Mr. PRESIDENT : The Committee on Public Buildings, to whom was referred Senate Bill No. 282—An Act to pay certain claims against the Deaf, Dumb and Blind Asylum—respectfully report that they have had the same under consideration report the bill back, and recommend that it do not pass.

COMTE, for Committee.

Mr. Hager, from the Judiciary Committee, made the following report :

Mr. PRESIDENT : The Committee on Judiciary have had under consideration the following bills, and report back Assembly substitute for Assembly Bill No. 336—An Act to legalize the acts and proceedings of the Mayors and Common Councils, Alcaldes, Justices of the Peace, of the Pueblo of Sonoma, State of California—without amendment, and recommend the passage of the same.



Also, Senate Bill No. 390—An Act supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one—without amendment, and recommend the passage of the same.

Also, Assembly substitute for Assembly Bill No. 128—An Act to amend an Act entitled an Act to amend section one hundred and twenty-one of an Act entitled an Act to regulate the settlement of estates of deceased persons, passed May first, eighteen hundred and fifty-one, approved March sixteenth, eighteen hundred and sixty-eight—with amendments, and recommend the adoption of the amendments.

Also, Assembly Bill No. 146—An Act amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one—with an amendment, and recommend the adoption of the amendment.

Also, Assembly Bill No. 518—An Act to authorize the guardian of Walter Price, a minor, to sell the real estate of said minor—with an amendment, and recommend the adoption of the amendment.

The committee have had under consideration Assembly Bill No. 512—An Act establishing a Commission for the revision of the laws; also, Senate Bill No. 190—An Act supplementary to an Act to provide for the revision and compilation of the laws of the State of California, and the publication thereof; also, Senate Bill No. 188—An Act to provide for the revision of the laws of the State of California; also, Senate Bill No. 533—An Act to provide for the revision and compilation of the statute laws of the State of California—and, in accordance with resolution of the Senate, report back Senate Bill No. 512, and likewise said other bills upon the same subject, and the majority of the committee recommend that the whole subject matter be indefinitely postponed.

HAGER, Chairman.

Mr. Saunders had leave to introduce the following resolution :

*Resolved*, That the Assembly be requested to return to the Senate, Assembly Bill No. 57—An Act to establish a quarantine for the bay and harbor of San Francisco, and sanitary regulations for the City and County of San Francisco—to correct a clerical error.

Adopted.

Mr. Saunders, for the San Francisco delegation, made the following report :

Mr. PRESIDENT : The San Francisco delegation, to whom was referred Senate Bill No. 589—An Act to ratify and confirm certain proceedings of the Board of Supervisors of the City and County of San Francisco—having duly considered the same, respectfully report the same back to the Senate and recommend its passage.

Having had under consideration substitute for Assembly Bills Nos. 29 and 39—An Act to establish a Board of Police Commissioners for the City and County of San Francisco, and to define their powers and duties—beg leave to report the same back to the Senate and recommend its passage.

Having had under discussion Assembly Concurrent Resolution No.

37—In reference to the Presidio, near San Francisco—report the same back to the Senate and recommend that the resolution be adopted.

SAUNDERS, for Delegation.

Mr. Saunders moved to suspend the rules for the consideration of substitute for Assembly Bills Nos. 29 and 39, above reported.

Upon which the ayes and noes were demanded by Messrs. Betge, Comte and Hager, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Betge, Burnett, Comte, Conn, Farley, Fowler, Gwin, Hager, Hunter, Hutchings, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, O'Connor, Orr, Pendegast, Perkins, Saunders, Tompkins, Tweed, Wand and Wilson—29.

**NOES**—Messrs. Beach, Conly, Green, Murch, Pacheco, Roberts, Turner and Wing—8.

The rules were further suspended, bill read a third time and passed.

Mr. Kincaid, from the Committee on Mileage, made the following report:

**MR. PRESIDENT:** The Committee on Mileage, to whom was referred a resolution providing for the payment of certain mileage to Messrs. Maclay, Chappell and Wilson, would respectfully report the same back, with the following substitute, and recommend its passage:

*Resolved,* That Senators Maclay, Wilson and Chappell each are hereby entitled and allowed the sum of one hundred and ninety dollars, mileage, while in the discharge of committee duty, in locating the State Normal School.

KINCAID, Chairman.

The rules were suspended, and the substitute adopted and referred to the Committee on Contingent Expenses.

Mr. Orr made the following report:

**MR. PRESIDENT:** The special committee to whom was referred Assembly Bill No. 196—An Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property—have had the same under consideration, and now report it back, with amendments, and recommend that it pass as amended.

LAWRENCE,  
MANDEVILLE,  
PACHECO,  
WING,  
ORR.

On motion of Mr. Orr, the rules were suspended for the consideration of Assembly Bill No. 196, above reported.

On motion of Mr. Lewis, the bill was placed on top of the file for this evening.

Mr. Burnett, from the Sonoma delegation, made the following report:

**MR. PRESIDENT:** The Sonoma County delegation, to whom was referred Assembly Bill No. 411—An Act to alter and the better to define the

corporate limits of the Town of Santa Rosa, in the County of Sonoma—would report the same back and recommend its passage.

BURNETT, for Delegation.

On motion of Mr. Lewis, Senate Bill No. 531 was taken from the file and made the special order for to-morrow, at two and a half o'clock P. M.

• MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
March 17th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Senate Bill No. 189—An Act for the relief of Robert M. Folger.

Also, Senate Bill No. 577—An Act to create a Redemption Fund and to provide means for defraying the expenses of the County of El Dorado.

Also, amended and passed Senate Bill No. 240—An Act granting the North Beach and Mission Railroad Company certain rights therein named.

Also, passed substitute for Assembly Bill No. 367—An Act for the supply of pure water from Lake Bigler to the inhabitants of the City and County of San Francisco.

CRAWFORD,  
Assistant Clerk

ASSEMBLY CHAMBER,  
March 17th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the fourteenth day of March, passed Assembly Bill No. 232—An Act granting certain parties the right to construct a toll bridge across the Colorado River.

Also, Assembly Bill No. 208—An Act to authorize B. J. Orsborn and others, as he may wish to associate with him, to build a wharf in the County of Solano.

Also, Assembly Bill No. 437—An Act granting the right to construct and maintain a railroad in certain streets herein named, in the City and County of San Francisco.

Also, Assembly Bill No. 455—An Act to provide for the location and laying out of a public road from Russian River, in Sonoma County, to the Gualalla River, in Sonoma County.

Also, Assembly Bill No. 459—An Act to authorize the Board of Supervisors of Sutter County to construct a bridge across the tule, at or near the point where the Stone road now crosses said tule, and collect tolls thereon.

Also, Assembly Bill No. 407—An Act to amend an Act supplementary to an Act to incorporate the City of Marysville, approved March eighth, eighteen hundred and fifty-seven, and other Acts amendatory thereto.

Also, Assembly Concurrent Resolution No. 14—Asking donations of lands in Siskiyou County.

Also, Assembly Bill No. 483—An Act for the relief of Anna Virginia Wakeman.

Also, Assembly Bill No. 201—An Act authorizing the construction of a wharf in San Diego County.

Also, Assembly Bill No. 420—An Act to separate the office of County Recorder from the office of County Clerk of the County of Yuba.

Also, Assembly Bill No. 491—An Act amendatory of an Act entitled an Act in relation to roads and highways in Sonoma County, to provide for the election of one County Commissioner of Roads and Highways and prescribe his duties, and repeal all other Acts, so far as they conflict with the provisions thereof, approved March eighth, eighteen hundred and sixty-one.

Also, Senate Bill No. 132—An Act to authorize Edward G. Rhodes, his associates, successors and assigns, to build and maintain a wharf at the foot of Yolo avenue, in the City of Vallejo.

Also, Assembly Bill No. 414—An Act to provide for the translation of foreign records in the County of Sonoma, and to make such translation evidence of their contents.

Also, Assembly Bill No. 253—An Act authorizing Rodman Gibbons, his associates and assigns, to construct and operate a street railroad in the County of Alameda.

Also, Assembly Bill No. 294—An Act to authorize and empower Joshua A. Neal to sell and convey all the interest, property and estate of Maria and Josefa Neal, minor children of said Joshua and Bernal Neal, in certain lands in Alameda County.

Also, Assembly Bill No. 387—An Act to authorize the Mayor of the City of San Francisco to deed a certain lot of land in said city and county to the Trustees of the Associated Veterans of the Mexican War.

Also, Assembly Bill No. 339—An Act to create a Board of Levee and Street Trustees in and for the Town of Pacheco, Contra Costa County, and define their powers and duties.

Also, Assembly Bill No. 248—An Act to authorize the construction of a wharf at Vallejo, Solano County, at the foot of Maryland street.

Also, Assembly Bill No. 266—An Act to authorize Joseph P. Manassee and others to build and maintain a wharf in San Diego.

Also, Assembly Bill No. 356—An Act for the relief of W. R. Crawford.

And, on yesterday, passed Assembly Bill No. 433—An Act to amend section nine of an Act entitled an Act to amend an Act entitled an Act amendatory of article four of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six, repealing sections thirty-six to sixty-four, inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for section four of said Act, approved April twenty-fifth, eighteen hundred and sixty-two, approved March twenty-sixth, eighteen hundred and sixty-eight.

Also, Assembly Bill No. 478—An Act to define and establish the line and width of East street, between Market street and Clay street wharf, in the City and County of San Francisco.

Also, Assembly Bill No. 462—An Act to provide for the changing of the grades of certain streets in the City and County of San Francisco.

Also, Assembly Bill No. 558—An Act to provide for the construction of a street railroad in the City and County of San Francisco.

Also, Assembly Bill No. 536—An Act to establish a Municipal Court in the City and County of San Francisco, to be called the Municipal Criminal Court of the city and county.

Also, Assembly Bill No. 310—An Act to establish a morgue for the City and County of San Francisco.

Also, Assembly Bill No. 497—An Act conferring certain powers upon the Sonoma College Association.

Also, Assembly Bill No. 626—An Act concerning the Courts of record in the County of Santa Clara.

Also, passed substitute for Senate Bill No. 82—An Act amendatory and supplemental to an Act legalizing ordinance number eight hundred, as passed by the Board of Supervisors of the City and County of San Francisco.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 17th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, adopted Senate Concurrent Resolution No. 51—Authorizing the Enrolling Clerk to correct Senate Bill No. 83.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 14th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 258—An Act to make, open and establish a public street in the City and County of San Francisco, to be called Montgomery Street South, and take private lands therefor.

MOFFITT,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 15th, 1870. }

Mr. PRESIDENT: I am directed to return to your honorable body, as per request, Assembly Bill No. 57—An Act to establish a quarantine for the bay and harbor of San Francisco, and sanitary regulations for the City and County of San Francisco.

MOFFITT,  
Assistant Clerk.

[Mr. Mandeville in the chair.]

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Substitute for Assembly Bill No. 367, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 310, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 387, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 433, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 478, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 437, above reported, read first and second times and referred to the San Francisco delegation.

Senate Bill No. 240, above reported, amendments made by Assembly concurred in by the Senate.

Assembly Bill No. 536, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 626, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 294, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 497, above reported, read first and second times and referred to the Sonoma delegation.

Assembly Bill No. 414, above reported, read first and second times and referred to the Sonoma delegation.

Assembly Bill No. 491, above reported, read first and second times and referred to the Sonoma delegation.

Assembly Bill No. 356, above reported, read first and second times and referred to the Committee on Claims.

Assembly Bill No. 483, above reported, read first and second times and referred to the Committee on Claims.

Assembly Bill No. 266, above reported, read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 248, above reported, read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 201, above reported, read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 339, above reported, read first and second times and referred to the Marin delegation.

Assembly Bill No. 258, above reported, read first and second times and referred to the Alameda delegation.

Assembly Bill No. 132, above reported, read first and second times and referred to the Solano delegation.

Assembly Bill No. 208, above reported, read first and second times and referred to the Solano delegation.

Assembly Bill No. 420, above reported, read first and second times and referred to the Yuba delegation.

Assembly Bill No. 407, above reported, read first and second times and referred to the Yuba delegation.

Assembly Concurrent Resolution No. 14, above reported, read first and second times and referred to the Committee on Federal Relations.

Assembly Bill No. 459, above reported, read first and second times and referred to the Committee on Roads and Highways.

Assembly Bill No. 455, above reported, read first and second times and referred to the Committee on Roads and Highways.

Senate Bill No. 149, above reported from the Assembly, corrected as per resolution.

Mr. Lewis moved that the Senate concur in the amendments made by the Assembly to Senate Bill No. 149, above reported.

The Chair decided the motion out of order, as the bill had been returned to the Assembly for the correction of a clerical error, and that the bill had been made the special order for the twenty-fourth of March, and no motion relative to the bill was in order until that time.

Mr. Lewis appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded by Messrs.

Betge, Wand and Roberts, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Burnett, Chappell, Conly, Conn, Curtis, Green, Hager, Irwin, Lawrence, Minis, Murch, O'Connor, Orr, Pacheco, Perkins, Roberts, Tompkins, Turner, Wand, Wilson and Wing—22.

**NOES**—Messrs. Betge, Comte, Farley, Fowler, Gwin, Hunter, Hutchings, Kincaid, Larkin, Lewis, McDougall, Pendegast, Saunders and Tweed—14.

Assembly Bill No. 232, above reported, read first and second times and referred to the San Diego delegation.

Senate Bill No. 258, above reported, amendments made in the Assembly concurred in by the Senate.

At eleven o'clock P. M., on motion of Mr. Turner, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

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## IN SENATE.

SENATE CHAMBER,  
Friday, March 18th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Messrs. Morrill and Tweed were granted leave of absence for one day and Mr. Pacheco for two days.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 604—An Act entitled an Act to amend an Act entitled an Act in reference to library associations, approved April twenty-seventh, eighteen hundred and sixty-three.

Also, Senate Bill No. 603—An Act to provide for the liquidation of all claims against the State not otherwise provided for by law.

Also, Senate Bill No. 416—An Act amendatory and supplemental to an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three, and the Acts amendatory thereof and supplemental thereto.

Also, Senate Bill No. 606—An Act to repeal an Act entitled an Act to incorporate the Town of Columbia, in Tuolumne County, approved April ninth, eighteen hundred and fifty seven, and all Acts supplementary thereto and amendatory thereof, and to provide for disposing of the property and settling up the indebtedness of said Town or City of Columbia.

Also, Senate Bill No. 541—An Act to provide for the construction of a wagon road from Redwood City to the Town of Pescadero, in the County of San Mateo, and other matters relating thereto.

O'CONNOR, Chairman.

Mr. Betge, from the Committee on Immigration, made the following report :

MR. PRESIDENT: The Committee on Immigration have had under consideration Senate Bill No. 446—An Act to provide for the establishment and maintenance of a State Immigration Bureau for the purpose of encouraging immigration with a view to the more rapid settling up of agricultural lands in the State of California—report the same back with amendments, and recommend its passage as amended.

BETGE, Chairman.

On motion of Mr. Betge, the usual number of copies of Senate Bill No. 446, with the report; was ordered printed, and placed at the top of general file for the twenty-fourth.

Mr. Banvard, from the Committee on Finance, made the following report :

MR. PRESIDENT: Your Committee on Finance, to whom was referred Senate Bill No. 547—An Act to appropriate funds for the relief of the several orphan asylums of this State—have had the same under consideration, and report it back with amendments, and recommend its passage as amended.

BANVARD, Chairman.

On motion of Mr. Banvard, the rules were suspended for the consideration of Senate Bill No. 547, above reported.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Gwin, from the Committee on Mines and Mining Interests, made the following report :

MR. PRESIDENT: Your Committee on Mines and Mining Interests have had under consideration Assembly Bill No. 269—An Act relative to the quartz mines of the State of California, and to protect the miners employed therein—report the same back and recommend its indefinite postponement.

GWIN, Chairman.



Mr. Saunders presented a report from the Committee on Corporations. [For report, see Appendix.]

On motion of Mr. Larkin, the rules were suspended for the consideration of Senate Bill No. 584, above reported by the Committee on Corporations.

The substitute reported by the committee was adopted.

The rules were further suspended, bill considered engrossed, read a third time and passed.

Mr. Perkins presented the following minority report from the Committee on Federal Relations:

MR. PRESIDENT: The undersigned, the minority of the Committee on Federal Relations, to whom was referred the resolutions for the application of the Legislature of the State of California to Congress, to call a convention to amend the Constitution, not being able to concur with the report of the majority of the committee, beg leave to submit the following minority report:

That the statements in the preamble to said memorial embrace many subjects in the highest degree controversial, and are calculated to provoke hostility to the resolutions they precede. That unless the introduction of the resolutions is without any expectation of their being acted upon or adopted, it would be unwise to accompany them with an appeal to partisan feeling that would tend to, if it did not, insure their defeat.

The undersigned therefore recommend that the whole preamble be stricken out of the memorial and the resolutions with which it concludes be adopted.

PERKINS,  
ROBERTS.

Mr. Hutchings, from the Committee on Roads and Highways, made the following report:

MR. PRESIDENT: Your committee, to whom was referred Assembly Bill No. 459—An Act to authorize the Board of Supervisors of Sutter County to construct a bridge across the tule near the Stone road; also, Assembly Bill No. 455—An Act to provide for the location and laying out of a public road from Russian River to Gualalla River, in Sonoma County; also, Senate Bill No. 595—An Act authorizing the Board of Supervisors of Sierra County to build a certain wagon road in said county and issue bonds therefor—report favorable and recommend their passage.

HUTCHINGS, Chairman

On motion of Mr. Turner, the rules were suspended for the consideration of Senate Bill No. 595, above reported.

The rules were further suspended, bill considered engrossed, read a third time and passed.

Mr. Hager verbally reported Assembly Joint Resolution No. 55, and recommended its adoption.

The rules were suspended and resolution above reported considered engrossed, read a third time and adopted.

Mr. Saunders had leave to introduce the following bill—An Act concerning gas companies.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

## GENERAL FILE.

Assembly Bill No. 196—An Act to amend an Act entitled an Act to protect agriculture, and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six.

Considered in Committee of the Whole and amended.

## IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Mr. Pendegast moved to amend section one, by inserting in line three, after the word "Yolo," the word "Fresno."

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Pendegast, Conly and Mandeville, and the Senate refused, by the following vote :

AYES—Messrs. Burnett, Conly, Green and Pendegast—4.

NOES—Messrs. Banvard, Beach, Betge, Comte, Conn, Curtis, Farley, Fowler, Hunter, Hutchings, Irwin, Kincaid, Lawrence, Maclay, Mandeville, McDougall, Minis, O'Connor, Orr, Roberts, Turner, Wand, Wilson and Wing—24.

The bill was read a third time and passed.

Senate Bill No. 130—An Act conferring further powers upon the State Board and the Board of Tide Land Commissioners named in and appointed under the Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight.

Substitute reported by the Finance Committee adopted.

Considered in Committee of the Whole and amended.

## IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Mr. Hager moved to amend section five, line five, after word "Act," by inserting "situate in the County of San Francisco and heretofore sold or attempted to be sold under the authority of this State."

Upon which the ayes and noes were demanded by Messrs. Hager, Minis and Mandeville, and the Senate refused, by the following vote :

AYES—Messrs. Beach, Betge, Comte, Hager, Hutchings, Lewis and Wand—7.

NOES—Messrs. Banvard, Conly, Curtis, Farley, Green, Gwin, Hunter, Irwin, Kincaid, Larkin, Lawrence, Maclay, Mandeville, McDougall, Minis, Murch, O'Connor, Pendegast, Roberts, Saunders, Tompkins, Turner and Wilson—23.

The rules were suspended, bill considered engrossed, read a third time and passed.

## SPECIAL ORDER.

Senate Bill No. 447—An Act to make, open and establish a public street in the City and County of San Francisco, to be called Montgomery avenue, and to take private lands therefor.

Mr. Saunders offered a substitute for the substitute reported by the San Francisco delegation, which was adopted.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

[Mr. Mandeville in the chair.]

Mr. Lewis had leave to introduce the following resolution :

*Resolved* by the Senate, That the Assembly be respectfully requested to return to the Senate, Senate Bill No. 538, to correct a mistake and incorporate an amendment previously adopted by the Senate.

Adopted.

#### SPECIAL ORDER.

Senate Bill No. 531—An Act to provide for the government of the State Prison, and authorize the Board of Directors to adopt the Irish system of discipline therein.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Mr. Green moved to amend section one so as to read :

"Section 1. The Board of State Prison Directors, after December, eighteen hundred and seventy-one, shall appoint the Warden of the State Prison, and shall receive a salary for such services, to be agreed upon by the said Board, to be paid in the same manner as the salaries of other State officers "

Upon the adoption of which, the ayes and noes were demanded by Messrs Green, Roberts and Chappell, and the Senate refused, by the following vote :

**AYES**—Messrs. Beach, Burnett, Chappell, Green, Hager, Orr, Roberts and Wing—8.

**NOES**—Messrs. Banvard, Betge, Comte, Conly, Conn, Curtis, Farley, Fowler, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lewis, Mandeville, McDougall, Minis, O'Connor, Pendegast, Wand and Wilson—21.

Rules suspended, bill considered engrossed, read a third time and passed.

At three o'clock and twenty-five minutes P. M. Mr. Pendegast moved a call of the Senate, which was ordered.

The roll was called, and the following Senators failed to respond : Messrs. Fowler, Gwin, Kincaid, Lawrence, Maclay, McDougall, Morrill, March, Saunders and Turner.

On motion of Mr. Farley, the further proceedings under the call were dispensed with.

## REPORTS.

Mr. Farley, from the Committee on Federal Relations, made the following report :

MR. PRESIDENT: Your Committee on Federal Relations have had under consideration Assembly Concurrent Resolution No. 14—Asking donation of lands in Siskiyou County—report the same back and recommend its passage.

FARLEY, Chairman.

Mr. Curtis, from the Committee on Claims, made the following report :

MR. PRESIDENT: The Committee on Claims have have under consideration Assembly Bill No. 486—An Act for the relief of Anna Virginia Wakeman—and find the question involved in the provisions of said bill purely a legal one, they therefore report it back and recommend its reference to the Judiciary Committee

Also, Assembly Bill No. 356—An Act for the relief of W. R. Crawford—and report it back and recommend its reference to the San Joaquin delegation, as the subject matter of the bill relates alone to the local government of that county.

Also, Senate Bill No. 602—An Act providing for the payment of the balance of a judgment in favor of Tristram C. Gilman against the County of Contra Costa, State of California—and report it back and recommend its reference to the Contra Costa delegation.

CURTIS, Chairman.

Mr. Wand, from the Committee on Contingent Expenses, reported the following resolution and recommended its passage :

*Resolved*, That the Secretary of the Senate be and he is hereby authorized to appoint an Assistant Secretary, at eight dollars per diem, payable out of the Contingent Fund, his duties to be to act as reader at the desk, under the supervision of the Secretary.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs Roberts, Hunter and Green, and the Senate so ordered, by the following vote :

AYES—Messrs. Banvard, Beach, Betge, Burnett, Chappell, Conly, Conn. Curtis, Green, Hager, Hutchings, Lewis, Maclay, McDougall, Minis, Orr, Pendegast, Perkins, Roberts, Saunders, Tompkins, Turner, Wand, Wilson and Wing—25.

NOES—Messrs. Comte, Farley, Hunter, Irwin, Larkin, Mandeville and O'Connor—7.

Mr. Conn, from the Committee on Internal Improvements, made the following report :

MR. PRESIDENT: Your Committee on Internal Improvements, to whom was referred Assembly Bill No. 555—An Act in relation to State aid for internal improvements—your committee having duly considered the bill, are of the unanimous opinion that it would greatly retard internal im-

provements to pass the bill, they therefore report the same back and recommend its indefinite postponement.

CONN, for Committee.

Mr. Green made the following report :

Mr. PRESIDENT: Your special committee, to whom was referred Assembly Bill No. 339—An Act to create a Board of Levee and Street Commissioners in and for the Town of Pacheco, Contra Costa County, and define their powers and duties—have had the same under consideration, and report the same back and recommend its passage.

GREEN, for Committee.

On motion of Mr. Green, the rules were suspended for the consideration of Assembly Bill No. 339, above reported.

The rules were further suspended, bill read a third time and passed.

Mr. Pendegast, from the Committee of Conference on Senate Bill No. 280, made the following report :

*To the Senate and Assembly of the State of California :*

The undersigned, a Committee of Conference upon Senate Bill No. 280—An Act amendatory and supplemental to an Act entitled an Act to authorize the Judges of the Supreme Court to employ a Secretary, approved April twenty-third, eighteen hundred and fifty-eight—make the following report: That they have met and consulted with Mr. Justice Sprague, the only one of the Justices of the Supreme Court present at the Capitol, who stated that their Secretary was, in consequence of his increased duties, obliged to be occupied almost daily from early morning till late at night, that the business of the Court having grown, the number of Justices increased, the duties of the Secretary have been correspondingly augmented. By an Act of the Legislature of eighteen hundred and sixty-seven and sixty-eight, the duties of Librarian of the Supreme Court were imposed upon the Secretary, and these duties, which require great additional labor, have been added without an increase of compensation. That in consequence of a late order of the Court, requiring the copying of all decisions made by the Supreme Court, his duties have also been increased. The Justices acknowledge that their Secretary has always faithfully performed his duties to their entire satisfaction, that he enjoys their fullest confidence, that they cannot well make a change in the office of Secretary, and that the present incumbent deserves and ought to have the sum of two hundred and fifty dollars per month for his services.

We therefore respectfully recommend that the Assembly recede from the amendment and concur in the bill as passed by the Senate.

PENDEGAST,

GWIN,

Senate Committee.

ANDREWS,

WILLIAMS,

Assembly Committee.

Adopted.

Mr. Comte, from the Sacramento delegation, made the following report :

**Mr. PRESIDENT :** The Sacramento delegation, to whom was referred Senate Bill No. 281—An Act authorizing the Board of Supervisors of the County of Sacramento to audit and allow certain claims—report that they have had the same under consideration and report same back with amendments, and recommend its passage as amended.

**CURTIS,  
COMTE.**

#### **RESOLUTION.**

**By Mr. O'Connor :**

*Resolved,* That the Secretary of the Senate be authorized to erase from Senate Bill No. 342, the following amendment, to wit: after the words "ferries and bridges," whenever they occur, insert "piers or chutes," which amendment was adopted by the Senate under mistake.

**Adopted.**

#### **INTRODUCTION OF BILLS.**

[Mr. Farley in the chair.]

Bills were introduced as follows :

**By Mr. Hager**—An Act granting leave of absence to Thomas H. Holt. Auditor of the City and County of San Francisco.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

**By Mr. Mandeville**—An Act to grant leave of absence to the Surveyor-General and Register of the State Land Office.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

**By Mr. Wilson**—An Act to amend section one of an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Los Angeles, approved March fifth, eighteen hundred and sixty-eight. approved March thirtieth, eighteen hundred and sixty-eight.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

**By Mr. Mandeville**—An Act concerning wharves.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

**By Mr. Roberts**—An Act supplementary to and amendatory of an Act entitled an Act to provide for the location, construction and maintenance of public roads in the County of Nevada, approved March thirtieth, eighteen hundred and sixty-eight.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

**By Mr. Maclay**—An Act to authorize the City of San José to sell certain bonds and use the proceeds thereof in purchasing sites for public school houses.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

Also, an Act to authorize the Board of Supervisors of the County of Santa Clara to issue bonds and apply the proceeds thereof to the purchasing of school and other furniture for the use of the State Normal School.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

**By Mr. Pendegast**—An Act to amend an Act entitled an Act to raise

a fund for the improvement of Napa City, approved January twenty-fourth, eighteen hundred and seventy.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Hager—An Act to establish and define the powers and duties of the Secretary of the Board of Education of the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

Also, an Act to grant certain persons the right of way for a railroad track within the corporate limits of the City and County of San Francisco, and to maintain the same, and to run horse cars thereon, and to carry passengers and freight and collect pay therefor.

Read first and second times and referred to the San Francisco delegation.

Also, an Act amendatory of an Act entitled an Act to provide for the improvement and protection of the wharves, docks and water front in the City and County of San Francisco, approved March fifth, eighteen hundred and sixty-four.

Read first and second times and referred to the Committee on Commerce and Navigation.

By Mr. Gwin—An Act for the relief of Wm. B. Norman and A. C. Bradford.

Read first and second times and referred to the Committee on Claims.

By Mr. Minis—An Act amendatory of and supplemental to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine.

Read first and second times and referred to the Committee on Corporations.

By Mr. Lawrence—An Act to provide for the construction of a wagon road from and to the Yosemite Valley and Big Tree Grove.

Read first and second times and ordered on top of general file for Tuesday next, and ordered printed

By Mr. Larkin—An Act concerning revenue and the assessment of property.

Read first and second times and referred to the Committee on State and County Revenue.

By Mr. Hunter—An Act to amend an Act entitled an Act concerning the military of the State of California, approved April second, eighteen hundred and sixty-six.

Read first and second times and referred to the Committee on Military Affairs.

By Mr. Conly—An Act to empower the Counties of Yuba, Butte and Plumas to aid in the construction of a railroad in said counties.

Read first and second times and referred to the delegations named in the bill.

#### RESOLUTIONS.

By Mr. Larkin:

*Resolved* by the Senate, the Assembly concurring, That the Secretary of the Senate be and is hereby authorized and directed to correct an

error in Senate Bill No. 577, by striking out the word "sixty," in line fourteen, section one, and insert in lieu thereof the word "eighty."

Adopted.

By Mr. Conn:

Concurrent resolution relative to boundary line between California and Arizona.

Adopted.

[For resolution, see Appendix.]

#### REPORTS.

Mr. Murch, from the Committee on Enrolment, made the following reports:

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 535—An Act to enable the Counties of Mendocino, Humboldt, Klamath and Del Norte to issue bonds to aid in the construction of a telegraph line through said counties.

Also, an Act to amend an Act to authorize the establishment of county infirmaries for the relief of the indigent, and to amend an Act entitled an Act to provide for the indigent sick in the counties of this State, approved March thirty-first, eighteen hundred and fifty-five, approved April eighteenth, eighteen hundred and sixty.

Also, Senate Concurrent Resolution No. 41—Relative to the restoration of ship building.

Also, Senate Concurrent Resolution No. 45—Requesting the Governor to return Senate Bill No. 314, for the purpose of correction.

Also, Senate Concurrent Resolution No. 39—Relative to the income tax.

Also, Senate Concurrent Resolution No. 52—Relative to authorizing the Enrolling Clerk to correct Senate Bill No. 328.

Also, Senate Concurrent Resolution No. 43—Relative to printing fee bills of Calaveras, El Dorado, Sierra and Nevada Counties.

Also, Senate Concurrent Resolution No. 49—Relative to the Governor returning Senate Bill No. 83.

Also, Senate Concurrent Resolution No. 48—Relative to authorizing the Enrolling Clerk to correct Senate Bill No. 221.

Also, Senate Bill No. 545—An Act authorizing the Board of Supervisors of San Mateo County to allow and the Treasurer to pay a certain claim of Charles Carvalho, for interpreting.

Also, Senate Bill No. 151—An Act to authorize the guardians of James T. Boyd, Jr., and Willie Alexander Boyd, to sell certain real estate.

Also, Senate Bill No. 540—An Act to provide for the redemption of the outstanding warrants of Amador County and to prevent a further increase of the indebtedness of said county.

Also, Senate Bill No. 262—An Act to provide for an official survey of the swamp and overflowed, tide and salt marsh lands in Marin County.

Also, Senate Bill No. 331—An Act supplementary to an Act entitled an Act to authorize the Board of Managers of the San Francisco Orphan Asylum Society, or any other orphan asylum society in this State, to bind as apprentices, clerks, servants, etc.



Also, Senate Bill No. 459—An Act to define the time when certain reports shall be made.

Also, Senate Bill No. 299—An Act providing for the appointment of phonographic reporters in certain cases.

Also, Senate Bill No. 176—To provide compensation for revision of the laws.

Also, Senate Concurrent Resolution No. 30—Relative to the erection of a breakwater

Also, Senate Bill No. 314—An Act authorizing the Trustees of the San Francisco Lying-in Hospital and Foundling Asylum to take charge of, bind out and give away children coming under their care.

And this day, at one o'clock P. M., presented the same to the Governor for his approval.

MURCH, for Committee.

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 427—An Act to establish a steam tug in the County of Solano.

Also, Senate Bill No. 244—An Act to empower the City and County of San Francisco and the Counties of Monterey and San Luis Obispo to aid in the construction of the Southern Pacific Railroad, and other purposes.

Also, Senate Bill No. 243—An Act to empower the Counties of Stanislaus, Merced, Fresno, Tulare and Kern to aid in the construction of a railroad in said counties.

And this day, at ten o'clock and fifty minutes A. M., presented the same to the Governor for his approval.

MURCH, for Committee.

At four o'clock and twenty minutes P. M., on motion of Mr. Lewis, the Senate adjourned, to meet on to-morrow, at ten o'clock A. M.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Saturday, March 19th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## RESOLUTION.

By Mr. O'Connor :

*Resolved* by the Senate, That the Chairman of the Engrossing Committee be and he is hereby empowered to insert enacting clauses in Senate Bill No. 547 and in substitute for Senate Bill No. 447.

Adopted.

#### REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed substitute for Senate Bill No. 37—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide revenue for the support of the State, approved April twenty-seventh, eighteen hundred and sixty-three.

Also, substitute for Senate Bill No. 82—An Act amendatory of and supplemental to an Act legalizing ordinance eight hundred, as passed by the Board of Supervisors of the City and County of San Francisco.

Also, Senate Bill No. 570—An Act for the better protection of Treasurers of the City and County of Los Angeles.

Also, Senate Bill No. 605—An Act extending the authority of E. L. Craig, late District Attorney of the County of Placer, in the prosecution and defence of certain actions and proceedings, and other matters relating thereto.

Also, Senate Bill No. 547—An Act to appropriate funds for the relief of the several orphan asylums of this State.

Also, substitute for Senate Bill No. 130—An Act conferring further powers upon the State Board of Tide Land Commissioners, named in and appointed under the Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 595—An Act authorizing the Board of Supervisors of Sierra County to build a certain wagon road in said county and to issue bonds therefor.

Also, substitute for Senate Bill No. 447—An Act to make, open and establish a public street in the City and County of San Francisco, to be called Montgomery avenue, and to take private lands therefor.

Also, substitute for Senate Bill No. 584—An Act concerning street railroads.

O'CONNOR, Chairman.

Mr. Banvard, from the Committee on Finance, made the following report :

Mr. PRESIDENT: Your Committee on Finance, to whom has been referred Senate Bill No. 496—An Act to provide for the payment of certain Controller's warrants drawn on the State Treasurer—report the same back with a substitute therefor, and recommend the passage of the substitute.

Your committee have also had under consideration Assembly Bill No. 332—An Act in relation to delinquent taxes in the County of Alpine—and recommend that it do not pass.

Also, Assembly Bill No. 383—An Act to amend an Act entitled an Act to amend the revenue laws, approved April fourth, eighteen hundred and sixty-four—and recommend its passage.

Also, Senate Bill No. 600—An Act for the relief of certain orphan asylums—and report the same back without recommendation.

Also, Senate Bill No. 579—An Act authorizing the Controller of State to exchange certain State revenue stamps—and recommend that it be indefinitely postponed.

BANVARD, Chairman.

Mr. Banvard presented a report from the Finance Committee, on Senate Bill No. 355.

Reading of report dispensed with and ordered printed, and bill ordered on top of file for Tuesday next.

[For report, see Appendix.]

Mr. Betge, from the Committee on Commerce and Navigation, made the following report :

Mr. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 248—An Act to authorize the construction of a wharf at Vallejo, Solano County, at the foot of Maryland street—report the same back without recommendation.

BETGE, Chairman.

Mr. Murch, from the Committee on State and County Revenue, made the following report :

Mr. PRESIDENT: Your Committee on State and County Revenue, to whom was referred Assembly Bill No. 344—An Act to provide for the manner of auditing claims against Humboldt County, and to provide for the reduction of taxation therein and expenses thereof—have had the same under consideration, and report it back with amendments, and recommend its passage as amended.

MURCH, for Committee.

Mr. Hager, from the Judiciary Committee, made the following report:

Mr. PRESIDENT: The Committee on Judiciary have had under consideration the following bills and report back Assembly Bill No. 413—An Act to legalize, ratify and confirm deeds of conveyance and grants of lands within the pueblo lands of San Diego—with an amendment, and recommend the adoption of the amendment and the passage of the bill as amended.

Also, Senate Bill No. 250—An Act to provide for the payment of a certain claim—and recommend that it do not pass.

HAGER, Chairman.

On motion of Mr. Hager, substitute for Senate Bill No. 432 was ordered printed.

Mr. Tompkins, from the Committee on Counties and County Boundaries, made the following reports :

Mr. PRESIDENT: The Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 289—An Act to create the County of Anaheim, to define its boundaries and to provide for its organization and financial affairs—have had the same under considera-

tion and now respectfully report: That the County of Los Angeles is larger than several of the States of the Union; that its soil and climate fit it for the support of a great population, and that its division into two or more counties will, within a few years, be imperatively demanded by the convenience of its people; the division is only a question of time. In inquiring whether that time has now arrived, the committee are met by the following facts: The evidence is now unmistakable, that the southern counties of the State cannot expect their usual prosperity during the coming season; the want of rain must necessarily diminish their crops, and render the time peculiarly unfavorable for any increase of taxation. The building of new Court-houses and paying salaries to new county officers would seriously increase the burdens of the people, and, as the committee think, to an extent much greater than would be compensated by avoiding the inconveniences to which they have become accustomed, for the short time that will elapse before the next meeting of the Legislature. It will not be forgotten, either, that the census of the State is to be taken this year; the data it will furnish will be indispensable to enable the Legislature to properly determine the apportionment of legislative representation between the old and new county. It is conceded by the friends and opponents of the bill, that the question of the division of the county was not before the people at the last election; there has, therefore, been no expression of their opinion upon the subject, except as shown by the petitions and remonstrances here.

The committee are divided in opinion, as to whether application to create the County of Anaheim is not premature, and therefore report the bill back without recommendation.

TOMPKINS, Chairman.

MR. PRESIDENT: The Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 144—An Act to locate the county seat for the County of Lake—have had the same under consideration, and now respectfully report: That prior to February eighteenth, eighteen hundred and sixty-four, the county seat of Lake County was at Lakeport; that on the eighteenth of February, eighteen hundred and sixty-four, an Act was passed by the Legislature, submitting the question of the removal of the county seat of said county to the voters thereof. The committee are not advised of the result of said election, except as it is to be inferred from the facts hereinafter stated.

On the second of April, eighteen hundred and sixty-six, an Act was passed to submit the same question again to the people of said county. This election was held, and the result is now the subject of litigation. It is conceded by the friends of the proposed bill that the decision will be in favor of Lakeport, but the case is yet pending and undecided in the Supreme Court.

It thus appears, that since February, eighteen hundred and sixty-four, the question of the removal of the county seat from Lakeport has twice been submitted to the people, and decided against the removal. The committee believe that two trials within six years ought to quiet the matter for the present. In addition, they are of the opinion, that while the result of the last election is yet pending and undecided in the Supreme Court, that it would not be expedient for the Legislature to anticipate the decision and pass a law that may conflict with that decision, when the same shall be made by the Court. The committee therefore recommend that the bill do not pass.

TOMPKINS, Chairman.

**Mr. Curtis**, from the Committee on Claims, made the following report :

**Mr. PRESIDENT :** Your Committee on Claims have had under consideration Senate Bill No. 589—An Act to authorize an appropriation of eight hundred dollars to pay J. M. Sharkey, M. D., for medical attendance and medicines supplied the Hon. Thos. Campbell, deceased, during his last illness ; also, Assembly Bill No. 27—An Act for the relief of Thos. N. Long, Sheriff of Lassen County ; also, Senate Bill No. 499—An Act for the relief of Mrs. M. Benninger ; also, Senate Bill No. 392—An Act for the relief of parties who have paid the State stamp tax on passenger tickets—and report them back and recommend that they do not pass.

CURTIS, Chairman.

**Mr. Curtis** also verbally reported Assembly Bills Nos. 506 and 408 without recommendation.

**Mr. Morrill** presented the following minority report from the Committee on Claims :

**Mr. PRESIDENT :** The undersigned, a minority of the Committee on Claims, to whom was referred Senate Bill No. 392—An Act for the relief of parties who have paid the State stamp tax on passenger tickets—dissent from the report of the majority of said committee, and recommend the passage of said bill.

MORRILL, for Minority.

**Mr. Minis** verbally reported Senate Bill No. 559, on part of the Yolo delegation, with amendments, and recommended its passage as amended.

On motion, Senate Bill No. 559, above reported, was referred to the delegation from Tehama and Colusa, with instructions to report the same on Tuesday next, and that when reported to be placed on top of the file.

**Mr. Banvard**, from the Placer delegation, made the following report :

**Mr. PRESIDENT :** Your special committee, the Placer delegation, have had under consideration Assembly Bill No. 446—An Act concerning roads and highways in the County of Placer—and recommend the passage of the same.

BANVARD, for Delegation.

On motion of **Mr. Banvard**, the rules were suspended for the consideration of Assembly Bill No. 446, above reported.

The rules were further suspended, and bill read a third time and passed.

**Mr. Beach** verbally reported Assembly Bill No. 420, with amendments, and recommended its passage as amended.

The rules were further suspended, bill considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

**Mr. Wand** verbally reported Assembly Bill No. 178, and recommended its passage ; also, Senate Bill No. 561, without recommendation.

**Mr. Saunders** verbally reported Senate Bill No. 569, without recommendation.

Mr. Saunders, from the San Francisco delegation, made the following report :

MR. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 193—An Act to change the grade of Mason street from Pacific street to Vallejo street, in the City and County of San Francisco—having duly considered the same, respectfully report the same back to the Senate and recommend its passage.

Having duly considered Assembly Bill No. 387—An Act to authorize the Mayor of the City and County of San Francisco to deed a certain lot of land in said city and county to the Trustees of the Associated Veterans of the Mexican War—beg leave to report the same back to the Senate and recommend its passage.

Having had under consideration Assembly Bill No. 478—An Act to define and establish the line and width of East street, between Market street and Clay street Wharf, in the City and County of San Francisco—beg leave to report the same back and recommend its passage.

SAUNDERS, for Delegation.

Mr. Burnett, from the Sonoma delegation made the following report :

MR. PRESIDENT: The Sonoma County delegation, to whom was referred Assembly Bill No. 491—An Act amendatory of an Act entitled an Act in relation to roads and highways in Sonoma County, to provide for the election of one County Commissioner of Roads and Highways, and prescribe his duties, and repeal all other Acts, so far as they conflict with the provisions thereof, approved March eighth, eighteen hundred and sixty-one; also, Assembly Bill No. 414—An Act to provide for the translation of foreign records in the County of Sonoma, and to make such translations evidence of their contents—report the same back and recommend their passage.

BURNETT, for Delegation.

Mr. Fowler made the following report :

MR. PRESIDENT: Your committee, to whom was referred Senate Bill No. 562, report back a substitute, and recommend striking out the word "five," in section one, line three, and insert the word "four," and recommend the passage of the substitute.

FOWLER, Chairman.

The bill was read first and second times.

Rules suspended and the bill considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

[Mr Farley in the chair.]

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, March 18th, 1870.

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate Bill No 309—An Act to authorize the Board of Supervisors of San Joaquin County to appropriate money for the use of the San Joaquin Valley Agricultural Society.

Also, Senate Bill No. 516—An Act to authorize the Board of Supervisors of San Joaquin County to issue a certain bond.

Also, Senate Bill No. 399—An Act to amend an Act entitled an Act to provide for paying certain equitable claims against the State of California, and to contract a funded debt for that purpose, approved April twenty-eighth, eighteen hundred and fifty-seven.

Also, Senate Bill No. 400—An Act to amend an Act entitled an Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds, approved April fourth, eighteen hundred and sixty-four.

Also, Senate Bill No. 109—An Act to settle and pay the unpaid expenses of the State Geological Survey.

Also, Senate Bill No. 172—An Act to amend an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three.

H. H. HAIGHT, \*  
 Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
 Sacramento, March 19th, 1870.

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate Bill No. 314—An Act authorizing the Trustees of the San Francisco Lying-in Hospital and Foundling Asylum to take charge of, bind out and give away children coming under their care.

Also, Senate Bill No. 540—An Act to provide for the redemption of the outstanding warrants of Amador County, and to prevent a further increase of the indebtedness of said county.

Also, Senate Bill No. 527—An Act to authorize the County of Sacramento to issue bonds to raise money for Court-house and jail purposes.

Also, Senate Bill No. 331—An Act supplementary to an Act entitled an Act to authorize the Board of Managers of the San Francisco Orphan Asylum Society, or any other orphan asylum society in this State, to bind as apprentices, clerks and servants, orphan and half orphan children under their care and tuition, approved February twenty-second, eighteen hundred and sixty.

Also, Senate Bill No. 545—An Act authorizing the Board of Supervisors of San Mateo County to allow, and the Treasurer to pay, a certain claim of Charles Carvalho, for interpreting.

Also, Senate Bill No. 459—An Act to define the time when certain reports shall be made.

Also, Senate Bill No. 269—An Act to prevent the kidnapping and

importation of Mongolian, Chinese and Japanese females for criminal or demoralizing purposes.

Also, Senate Bill No. 186—An Act to extend an Act entitled an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six, to certain other judicial districts of the State of California.

Also, Senate Bill No. 101—An Act to establish a State Board of Health.

Also, Senate Bill No. 542—An Act relating to the care and custody of minor children in certain cases.

Also, Senate Bill No. 285—An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March thirty-first, eighteen hundred and sixty-six.

Also, Senate Bill No. 270—An Act to prevent the importation of Chinese criminals and to prevent the establishment of coolie slavery.

Also, Senate Bill No. 352—An Act relating to Yreka School District, in Siskiyou County.

Also, Senate Bill No. 476—An Act to prevent the destruction of fish and game in, upon and around the waters of Lake Merritt or Peralta, in the County of Alameda.

Also, Senate Bill No. 299—An Act providing for the appointment of phonographic reporters in certain cases.

Also, Senate Bill No. 458—An Act entitled an Act to amend an Act entitled an Act to amend an Act concerning roads and highways in the Counties of Mariposa and Tulare, approved January seventeenth, eighteen hundred and sixty-six, approved March thirteenth, eighteen hundred and sixty-eight.

Also, substitute for Senate Bill No. 200—An Act supplementary to an Act prescribing certain conditions for the transaction of insurance business in the State of California, approved March twenty-sixth, eighteen hundred and sixty-eight.

H. H. HAIGHT,  
Governor.

On motion of Mr. Pendegast, the Doorkeepers were instructed to admit upon the floor of the Senate any and all ex-Senators who may apply for admission.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
March 18th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Concurrent Resolution No. 57—Authorizing the Enrolling Committee of the Assembly to make an insertion in Assembly Bill No. 70.

MOFFITT,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 18th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Assembly Bill No. 568—An Act to



incorporate the Town of Brooklyn, and to define and establish the boundary line between said town and the City of Oakland.

Also, passed Assembly Bill No. 264—An Act to authorize the County of Santa Cruz to aid in the construction of railroads and other roads in said county, and for other purposes pertaining thereto.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 18th, 1870. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the fourteenth day of March, passed an amendment to article nine of the Constitution of the State.

Also, passed Assembly Bill No. 229—An Act to legalize the survey of Clark's addition to the Town of Eureka.

And, on the sixteenth instant, passed Assembly Bill No. 415—An Act to decrease the expenses of land litigation in the City and County of San Francisco.

Also, passed Senate Bill No. 485—An Act concerning roads and highways in Sierra Township, County of Sierra.

Also, Senate Bill No. 246—An Act to legalize certain county warrants in the County of Tuolumne.

Also, Senate Bill No. 353—An Act amendatory of and supplementary to an Act entitled an Act to incorporate the Town of San Luis Obispo.

Also, Senate Bill No. 294—An Act to modify the grades of certain streets in the City and County of San Francisco.

Also, Senate Bill No. 491—An Act to authorize Samuel M. Sproul, George F. Jones, Charles L. Stilson and James A. Clark to construct and maintain water works in the Town of Chico.

And, on yesterday, passed Senate Bill No. 456—An Act amendatory of and supplementary to an Act entitled an Act to incorporate the Town of Redwood City.

Also, Senate Bill No. 454—An Act amendatory of an Act concerning roads and highways in the County of San Mateo.

Also, passed Assembly Bill No. 639—An Act concerning revenue.

And adopted Assembly Concurrent Resolution No. 56—Authorizing correction in Assembly Bill No. 598.

And, on this day, passed Senate Bill No. 474—An Act to authorize the guardian of Frank G. Bartholomew and Ralph H. Bartholomew, infant heirs of Jacob Bartholomew, to sell real estate, etc.

Also, Senate Bill No. 582—An Act to provide for the maintenance of the indigent sick, in certain townships therein named, in Siskiyou County.

Also, adopted Senate Concurrent Resolution No. 53—Granting leave of absence to Thos. Laspeyre, District Attorney of Kern County.

Also, adopted Senate Concurrent Resolution No. 13—Relative to mail route in Merced County.

And, on the fourteenth instant, passed Assembly Bill No. 256—An Act entitled an Act to authorize the Board of Supervisors of the County of San Joaquin to donate one hundred thousand dollars to the Stockton and Copperopolis Railroad Company, and provide for the payment of the same, and other matters relating thereto.

And, on the sixteenth instant, passed Assembly Bill No. 430—An Act

to submit the question of the removal of the county seat of Kern County to the qualified voters thereof.

And, on yesterday, passed Assembly Bill No. 600—An Act to authorize the construction of a railroad from tide water, near the Town of Alviso, in the County of Santa Clara, and other matters.

Also, passed Assembly Bill No. 643—An Act amendatory of and supplementary to an Act, approved April twenty-fifth, eighteen hundred and sixty-three, entitled an Act to incorporate the City of Sacramento.

CRAWFORD,

Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Concurrent Resolution No. 13, above reported, amendment made by the Assembly concurred in by the Senate.

Assembly Concurrent Resolution No. 56, above reported, adopted.

Proposed amendment to the Constitution, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Concurrent Resolution No. 57, above reported, placed on file.

Assembly Bill No. 229, above reported, read first and second times and referred to the Humboldt delegation.

Assembly Bill No. 415, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 639, above reported, read first and second times and referred to the Finance Committee.

Substitute for Assembly Bill No. 256, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 430, above reported, read first and second times and referred to the Kern delegation.

Assembly Bill No. 600, above reported, read first and second times and referred to the Santa Clara delegation, with instructions to report the same on Monday next.

#### RESOLUTIONS.

Mr. Tompkins had leave to introduce the following concurrent resolution:

*Resolved* by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate be and he is hereby instructed to insert the words "Article one" between the words "to wit:" and "Section twenty-two," where said words occur in the preamble of Senate Bill No. 550—An Act entitled an Act to provide for the submission to the people of the proposed amendment to the Constitution of this State, as proposed by the Legislature at its sixteenth session and adopted by the Legislature at its seventeenth session, to the votes of the qualified electors at the next general election—and that his Excellency the Governor be requested to deliver said bill to the Enrolling Committee of the Senate for the purpose of making the correction.

Adopted.

By Mr. Tompkins:

*Resolved*, That when the Senate adjourn, it adjourn to two and a half o'clock P. M., on Monday.

Adopted.

[President in the chair.]

## GENERAL FILE.

Senate Bill No. 506—An Act to authorize the sale of certain salt marsh and tide lands in the County of Marin.

Mr. Larkin moved to lay the bill on the table.

Upon which the ayes and noes were demanded by Messrs. Maclay, Orr and Pendegast, and the Senate refused, by the following vote :

**AYES**—Messrs. Comte, Conn, Fowler, Gwin, Hager, Hunter, Hutchings, Irwin, Larkin, Lawrence, Mandeville, Saunders, Tompkins and Wilson—14.

**NOES**—Messrs. Beach, Betge, Burnett, Chappell, Curtis, Kincaid, Lewis, Maclay, McDougall, Minis, Murch, Orr, Pendegast, Roberts, Turner, Tweed, Wand and Wing—18.

The bill was considered in Committee of the Whole and amended.

## IN SENATE.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

**MR. PRESIDENT:** The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 531—An Act for the government of the State Prison and to authorize the Board of Directors to adopt the Irish system of discipline therein.

O'CONNOR, Chairman.

At twelve o'clock and thirty minutes P. M., on motion of Mr. Larkin, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest : JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Monday, March 21st, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 621—An Act concerning wharves.

Also, Senate Bill No. 613—An Act granting leave of absence to Thomas H. Holt, Auditor of the City and County of San Francisco.

Also, Senate Bill No. 618—An Act to grant leave of absence to the Surveyor-General and Register of the State Land Office.

Also, Senate Bill No. 619—An Act to amend section one of an Act entitled an Act to amend an Act entitled an Act to incorporate the City of Los Angeles, approved March fifth, eighteen hundred and sixty-eight, approved March thirtieth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 626—An Act to amend an Act to raise a fund for the improvement of Napa City, approved January twenty-fourth, eighteen hundred and seventy.

Also, Senate Bill No. 612—An Act concerning gas companies.

Also, Senate Concurrent Resolution No. 55—Relative to disputed territory between Arizona and California.

Also, Senate Bill No. 624—An Act to authorize the City of San Jose to sell certain bonds and use the proceeds thereof in purchasing sites for public school houses.

Also, Senate Bill No. 623—An Act supplementary to and amendatory of an Act to provide for the location and maintenance of public roads in the County of Nevada, approved March thirtieth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 342—An Act supplemental to an Act concerning public ferries and toll bridges, approved April twenty-eighth, eighteen hundred and fifty-five.

Also, Senate Bill No. 625—An Act to authorize the Board of Supervisors of Santa Clara County to issue bonds and apply the proceeds thereof to the purchasing of school and other furniture for the State Normal School.

O'CONNOR, Chairman.

Mr. Conn, from the Committee on Internal Improvements, made the following report:

Mr. PRESIDENT: The Committee on Internal Improvements, to whom was referred Assembly Bill No. 162—An Act to authorize E. J. Brickell, his associates and assigns, to improve the channel of the Truckee River, from its source to the Town of Truckee, and to erect flood-gates therein and collect tolls—the committee having duly considered the bill, beg leave to report, that there seems to be a necessity for the improvement contemplated, and that it would be advantageous and beneficial to the business of floating lumber, timber, etc., and greatly benefit the lumber interest to have the channel of said river cleared of obstructions and otherwise improved; yet the committee are unanimous in the opinion that this bill is liable to all the objections urged against special franchises of this character, they therefore report the same back without recommendation.

CONN, for Committee.

On motion of Mr. Conn, Assembly Bill No. 162, above reported, was ordered to top of the special file for this evening.

Mr. Fowler verbally reported Senate Bill No 455 without recommendation.

On motion of Mr. Kincaid, the rules were suspended for the consideration of Senate Bill No. 455, above reported

The rules were further suspended, bill considered engrossed, read a third time and passed.

#### PETITION.

By Mr. Maclay—From the Young Men's Christian Association of the City of San José.

Read and, with accompanying resolution, referred to the Finance Committee.

#### REPORTS.

Mr. Curtis, from the Committee on Claims, made the following report:

MR. PRESIDENT: The Committee on Claims have had under consideration Senate Bill No. 261—An Act to appropriate money to pay the outstanding Indian war bonds issued by the State of California under an Act of the Legislature, approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto; also, Senate Bill No. 71—An Act to appropriate money to pay the outstanding Indian war bonds issued by the State of California under an Act of the Legislature, approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto; also, Senate Bill No. 308—An Act to appropriate money to pay the outstanding Indian war bonds issued by the State of California under an Act of the Legislature, approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto; also, Senate Bill No. 426—An Act to pay the claim of D. O. Mills & Co.—report them back to the Senate, and respectfully recommend their passage.

Your committee have also considered Senate Bill No. 316—An Act to provide for the payment of certain outstanding bonds of the State of California; also, Senate Bill No. 169—An Act to provide for the payment of a certain outstanding bond of the State of California—report the two last named bills back to the Senate, and recommend that they do not pass.

CURTIS, Chairman.

Mr. Comte, from the Sacramento delegation, made the following report:

MR. PRESIDENT: The Sacramento delegation, to whom was referred Assembly Bill No. 441—report the same back with an amendment, and recommend that the Senate recede from its action in adopting the substitute, and that the original bill be passed as amended.

CURTIS,  
COMTE.

On motion of Mr. Mandeville, the bill above reported was taken up, and the Senate receded from the amendment adopting the substitute.

On motion of Mr. Comte, the vote by which said bill was ordered to be read a third time was reconsidered.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

Mr. Murch, from the Humboldt delegation, made the following report:

Mr. PRESIDENT: The Humboldt delegation, to whom was referred Assembly Bill No. 229—An Act to legalize the survey of Clark's addition to the Town of Eureka—have had the same under consideration, and report it back and recommend its passage.

MURCH, for Delegation.

Mr. Larkin presented the following minority report from the Committee on Finance:

Mr. PRESIDENT: A minority of your Committee on Finance, to whom was referred Senate Bill No. 355—An Act for the endowment of the State University—have had the same under consideration, and would recommend that the appropriation proposed in said bill be made to the Common School Fund of the State, and that said endowment bill for the benefit of the University do not pass.

LARKIN.

Mr. Banvard, from the Committee on Finance, made the following report:

Mr. PRESIDENT: Your Committee on Finance, to whom was referred Assembly Bill No. 451—An Act to provide for the funded indebtedness of the State of California, and to contract a funded debt for that purpose—have had the same under consideration, and recommend the passage of the same with amendments.

BANVARD, Chairman.

On motion of Mr. Banvard the rules were suspended for the consideration of Assembly Bill No. 451, above reported.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

#### GOVERNOR'S MESSAGE.

Message from the Governor vetoing Senate Bill No. 310.

[For message, see Appendix.]

Mr. Hager moved to make the message the special order for to-morrow, at two and a half o'clock P. M.

Upon which the ayes and noes were demanded by Messrs. Comte, Kincaid and Murch, and the Senate so ordered, by the following vote:

AYES—Messrs. Betge, Chappell, Comte, Curtis, Farley, Green, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lewis, Maclay, Minis, Murch, Pendegast, Roberts and Saunders—19.

NOES—Messrs. Beach, Burnett, Conly, Conn, Fowler, Lawrence, Mandeville, McDougall, O'Connor, Orr, Pacheco, Perkins, Tompkins, Turner, Wand, Wilson and Wing—17.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 19th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the sixteenth day of March, passed Assembly Bill No. 282—An Act concerning certain ordinances of the Board of Supervisors of the City and County of San Francisco, and other matters.

And, on the seventeenth instant, passed Assembly Bill No. 588—An Act concerning roads and highways in the County of Lassen.

And, on this day, adopted the report of Committee of Conference on Senate Bill No. 280, and receded from its amendment.

Also, passed Assembly Bill No. 398—An Act to amend an Act entitled an Act to authorize J. Bidwell and others to construct a wagon road in Plumas County.

Also, Senate Bill No 585—An Act concerning the office of County Clerk of Napa County.

Also, Senate Bill No. 192—An Act granting certain privileges to the Central Railroad Company of San Francisco.

And concurred in Senate amendments to Assembly Bill No. 154.

Also, amended and passed Senate Bill No. 416—An Act amendatory of an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three.

Also, concurred in the first of Senate amendments to Assembly Bill No. 196, and refused to concur in the second and third amendments to said bill.

Also, to return a Senate resolution requesting the return of Senate Bill No. 538 for correction, as said resolution does not state what correction is wanted to be made.

Also, adopted Senate Concurrent Resolution No. 54—Relative to correcting error in Senate Bill No. 577.

CRAWFORD,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 568, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 282, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 588, above reported, read first and second times and referred to the Lassen delegation.

Assembly Bill No. 264, above reported, read first and second times and referred to the Santa Cruz delegation.

Substitute for Assembly Bill No. 196, above reported, Assembly refused to concur in amendments made by the Senate.

Upon the question, "Will the Senate recede from its amendments?" the ayes and noes were demanded by Messrs, Pendegast, Mundeveille and Orr, and the Senate refused, by the following vote :

**AYES**—Messrs. Chappell, Larkin, Lawrence, Maclay, Mandoville, Murch, Orr, Pacheco, Pendegast, Tompkins, Tweed and Wing—12.

**NOES**—Messrs. Beach, Betge, Burnett, Comte, Conly, Conn, Curtis, Farley, Fowler, Green, Hager, Hunter, Hutchings, Lewis, McDougall, Minis, O'Connor, Perkins, Turner, Wand and Wilson—21.

On motion of Mr. Fowler, a Committee of Conference was ordered to be appointed on said bill.

Senate Bill No. 416, above reported, amendments made in Assembly concurred in by the Senate.

On motion of Mr. Lewis, Assembly Bill No. 643 was taken up out of unfinished business, under a suspension of the rules, and referred to the Sacramento delegation.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
March 21st, 1870. }

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on the fifteenth day of March, passed, under a suspension of the rules, Assembly Bill No. 208—An Act to amend an Act to authorize the formation of corporations to provide members thereof with homesteads or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one.

Also, Assembly Bill No. 427—An Act in relation to the school lands of the State.

And, on the sixteenth of March, passed, under a suspension of the rules, Assembly Bill No. 361—An Act for the relief of T. D. Murphy, W. D. Murphy, G. E. Nottage, S. Malloy, M. J. Bolan, Courtland Wood, H. J. Quinn and Ira D. Thompson, all of the City and County of San Francisco.

Also passed, on same day, Concurrent Resolution No. 41—Granting leave of absence to J. W. Graham, County Treasurer of Klamath County.

Also passed, on same day, Assembly Bill No. 631—An Act granting leave of absence to Henry L. Waldo from the State.

Also passed, on same day, substitute for Assembly Bill No. 425—An Act directing the Treasurer and Auditor of Solano County to transfer certain money from the Swamp Land Fund and the Redemption Fund of Solano County to the Interest and Redemption Fund.

Also passed, on same day, Assembly Bill No. 551—An Act granting leave of absence to N. D. Witt, District Attorney of San Luis Obispo County.

And, on the seventeenth of March, passed Assembly Bill No. 376—An Act to authorize the Treasurer of Lassen County to pay Wm. Williams a certain sum of money adjudged due him for erecting the county buildings of said county.

Also passed, on same day, Assembly Bill No. 548—An Act to authorize the Saucileto Land and Ferry Company to establish and maintain a public ferry between Marin County and the City and County of San Francisco.

Also passed, on same day, Senate Bill No. 605—An Act extending the authority of E. L. Craig, late District Attorney of the County of Placer.



in the prosecution and defence of certain actions and proceedings, and other matters relating thereto.

Also passed, on same day, Assembly Bill No. 567—An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer of said city.

Also passed, on same day, Assembly Bill No. 566—An Act conferring further powers upon the Board of Supervisors of the City and County of San Francisco.

And, on the nineteenth of March, passed Assembly Bill No. 365—An Act to amend an Act concerning roads and highways in the County of Alameda, approved March twenty-fourth, eighteen hundred and sixty-two.

Also passed, on same day, Senate Bill No. 606—An Act to repeal an Act to incorporate the Town of Columbia, in Tuolumne County, approved April ninth, eighteen hundred and fifty-seven, and all Acts supplementary thereto and amendatory thereof, and to provide for disposing of the property and settling up the indebtedness of said Town or City of Columbia.

Also passed, on same day, Senate Bill No. 604—An Act to amend an Act in reference to library associations, approved April twenty-seventh, eighteen hundred and sixty-three.

Also passed, on same day, Assembly Concurrent Resolution No. 59—Requesting the Governor to return Assembly Bill No 423.

MOFFITT,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 21st, 1870. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the eighteenth day of March, passed Senate Bill No. 186—An Act to provide for the reclamation of swamp, salt marsh and tide and other overflowed lands.

MOFFITT,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 21st, 1870. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 20—An Act to provide for the payment of the State's portion of the salary of the County Auditor of Fresno County.

Also, Senate Bill No. 547—An Act to appropriate funds for the relief of the several orphan asylums of this State.

Also, Assembly Bill No. 572—An Act to encourage tin mining in this State.

And substitute for Senate Bill No. 183—An Act in relation to the office of State Geologist.

MOFFITT,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 567, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 576, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 548, above reported, read first and second times and referred to the Committee on Corporations.

Senate Bill No. 20, above reported, amendments made by the Assembly concurred in by the Senate.

Assembly Bill No. 208, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 427, above reported, read first and second times and referred to the Committee on Public Lands.

Assembly Bill No. 361, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 566, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 631, above reported, read first and second times, rules suspended, bill read a third time and passed.

Assembly Bill No. 865, above reported, read first and second times and referred to the Committee on Roads and Highways.

Assembly Bill No. 521, above reported, read first and second times and ordered on the special file.

Substitute for Assembly Bill No. 425, above reported, read first and second times and referred to the Yolo delegation.

Assembly Concurrent Resolution No. 41, above reported, adopted.

Assembly Concurrent Resolution No. 59, above reported, adopted.

Substitute for Senate Bill No. 185, above reported, amendments made by the Assembly concurred in by the Senate.

[Mr. Farley in the chair.]

#### REPORTS.

Mr. Murch, from the Committee on Enrolment, made the following reports:

MR. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 82—An Act to expedite the settlement of land titles in the City and County of San Francisco and to ratify and confirm the acts and proceedings of certain of the authorities thereof.

Also, Senate Bill No. 280—An Act amendatory and supplemental to an Act entitled an Act to authorize the Judges of the Supreme Court to employ a Secretary, approved April twenty-third, eighteen hundred and fifty-eight.

Also, Senate Concurrent Resolution No. 51—Authorizing the Enrolling Clerk to correct Senate Bill No. 83.

And this day, at three o'clock and thirty minutes P. M., presented the same to the Governor for his approval.

MURCH, for Committee.

MR. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 328—An Act to empower the City of Stockton to aid in the construction of the Stockton and Visalia Railroad.

And this day, at four o'clock P. M., presented the same to the Governor for his approval.

MURCH, for Committee.

## INTRODUCTION OF BILLS.

Bills were introduced as follows :

By Mr. Kincaid—An Act to provide for the construction of a tram railroad in the Counties of San Mateo and Santa Cruz.

Read first and second times and referred to the Committee on Corporations.

Also, an Act to authorize the City and County of San Francisco to purchase the property and rights of the Mission Bay Bridge Company.

By Mr. Wilson—An Act concerning the offices of County Clerk and County Surveyor of the County of Los Angeles.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Pendegast—An Act to authorize the Trustees of Calistoga School District, in the County of Napa, to issue bonds for certain purposes.

Read first and second times, rules suspended and bill placed on the special file.

By Mr. Wand—An Act to amend an Act entitled an Act concerning the Insane Asylum of California and to levy a tax therefor.

Read first and second times, rules suspended and bill placed on file.

By Mr. McDougall—An Act relating to the County Assessor of Monterey County.

Read first and second times and referred to the Monterey delegation.

By Mr. Turner—An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and Acts amendatory thereof.

Read first and second times and referred to the Judiciary Committee.

By Mr. Farley—An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, passed April twentieth, eighteen hundred and sixty-three.

Read first and second times and referred to the Judiciary Committee.

By Mr. Burnett—An Act amendatory of and supplementary to an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City of Petaluma.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

[President in the chair.]

## MOTIONS AND RESOLUTIONS.

On motion of Mr. Hager, the rules were suspended and Senate Bill No. 306—An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers—was taken from the file.

Rules further suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Curtis, the rules were suspended and Senate Bill No. 500—An Act relative to the care and management of the State burial ground, and making an annual appropriation therefor—was taken from the file.

Rules further suspended, bill considered engrossed, read a third time and passed.

Mr. Saunders presented a communication from the Controller, relative to appropriation for per diem and mileage of members of the Senate—which was referred to the Finance Committee.

By Mr. Roberts :

*Resolved* by the Senate, the Assembly concurring, That his Excellency be and he is hereby respectfully requested to return to the Senate, Senate Bill No. 543—An Act authorizing the sale of certain legal tender notes—for further consideration.

Adopted.

By Mr. Beach :

*Resolved* by the Senate, the Assembly concurring, That J. Fred. Eastman, Treasurer and ex officio Tax Collector of Yuba County, be and he is hereby granted leave of absence from this State for the period of three months, at such time as he may select during his term of office; *provided*, that the said Treasurer shall leave a competent deputy in his office for the transaction of business; and *provided* further, he shall first obtain the consent of a majority of the Board of Supervisors of said county, and the sureties upon his official bond.

Adopted.

At five o'clock and fifteen minutes P. M., on motion of Mr. Farley, the Senate adjourned until to-morrow, at ten o'clock A. M.

WILLIAM HOLDEN,

President of the Senate.

Attest : JOSEPH ROBERTS, Jr., Secretary of Senate.

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## IN SENATE.

SENATE CHAMBER,

Tuesday, March 22d, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Indefinite leave of absence was granted to Mr. Morrill.

Journal of yesterday read and approved.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

**MR. PRESIDENT:** The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 632—An Act concerning the offices of County Clerk and County Surveyor of the County of Los Angeles

Also, Senate Bill No. 306—An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers. approved April twentieth, eighteen hundred and sixty-three.

Also, Senate Bill No. 500—An Act relative to the care and management of the State burial ground, and making an annual appropriation therefor.

Also, Senate Bill No. 577—An Act to create a Redemption Fund and to provide means for defraying the expenses of the County of El Dorado.

Also, Senate Bill No. 455—An Act to establish and maintain public pounds in the several townships of the County of San Mateo.

Also, substitute for Senate Bill No. 562—An Act for the encouragement of agriculture.

O'CONNOR, Chairman.

Mr. Hunter verbally reported Senate Bill No. 628, and recommended its passage.

On motion, the rules were suspended for the consideration of Senate Bill No. 628, above reported.

The rules were further suspended, bill considered engrossed, read a third time and passed.

Mr. Betge, from the Committee on Commerce and Navigation, made the following report:

Mr. PRESIDENT: Your committee, to whom was referred Senate Bill No. 170—An Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front in the City and County of San Francisco—beg leave to report the same back and recommend its indefinite postponement.

Also, Senate Bill No. 254—An Act to promote the farming interests of this State and to provide for the exportation of California produce free of port charges—report back the same and recommend its indefinite postponement.

Also, Senate Bill No. 409—An Act granting the right to remove obstacles in the Mokelumne River and head waters thereof; to float, drive and transport wood of every description, saw-logs, timber, lumber and other materials along and down the same, to charge and collect from others floating, driving or transporting wood, logs, etc., as aforesaid, and to build, erect and maintain such structures and works as may be necessary for the enjoyment of such rights—report the same back and recommend its indefinite postponement.

Also, Senate Bill No. 498—An Act to amend an Act entitled an Act to authorize Eben Hilton, Isaac Hobbs, Martin I. Wright and others to build a wharf in Solano County, approved April second, eighteen hundred and sixty-six—report the same back and recommend its indefinite postponement.

Also, Assembly Bill No. 149—An Act to authorize W. S. Chaffer, Marcus Harloe, Victor Ustusaustigui, Frank Molleda and Josa de Arnaz to build a wharf and railroad tracks at San Buenaventura, in the County of Santa Barbara—report back the same and recommend its indefinite postponement.

Also, Senate Bill No. 513—An Act to provide for the construction of agricultural warehouses at Goat Island, in the Bay of San Francisco—report the same back without recommendation.

Also, Senate Bill No. 560—An Act to amend an Act entitled an Act concerning trade marks and names—report the same back and recommend its passage.

Also, Senate Bill No. 609—An Act to empower the California Dry

Dock Company to change the location of its floating dock in the Bay of San Francisco—report the same back and recommend its passage.

Also, Assembly Bill No. 201—An Act authorizing the construction of a wharf in San Diego County—report back the same without recommendation.

Also, Assembly Bill No. 266—An Act to authorize Joseph S. Manassee and Marcus Schiller, and their associates, to build, maintain and use a wharf on the southwesterly line of pueblo lot number one thousand one hundred and fifty-seven; in San Diego, in the County of San Diego—report the same back without recommendation.

Also, Senate Bill No. 578—An Act to authorize the Boards of Supervisors of the several counties of this State to grant franchises in their respective counties for clearing out streams not navigable, in their respective counties, and for using the waters of the same for rafting, floating and booming purposes—report back the same and recommend its passage.

Also, Senate Bill No. 565—An Act to grant to Charles J. Janson a patent for certain lands for ship building—report back a substitute for the same, and recommend the passage of the substitute.

Also, Senate Bill No. 601—An Act to encourage ship building and manufactures—report back a substitute for the same, and recommend the passage of the substitute.

BETGE, Chairman.

Mr. Morrill, from the Committee on Enrolment, made the following report:

MR. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 453—An Act to empower the County of San Joaquin to aid in the construction of the Stockton and Visalia Railroad.

Also, Senate Bill No. 258—An Act to make, open and establish a public street in the City and County of San Francisco, to be called Montgomery Street South, and take private lands therefor.

Also, substitute for Senate Bill No. 293—An Act authorizing the parties therein named, their associates and assigns, to construct and maintain a ship canal from the City of Stockton to deep water on the San Joaquin River.

And this day, at one o'clock P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. Pendegast, from the Committee on Public Lands, made the following report:

MR. PRESIDENT: Your Committee on Public Lands, to whom was referred Senate Bill No. 611—An Act to legalize certain applications for the purchase of lands belonging to this State—having had the same under consideration, report the same back and recommend its passage.

PENDEGAST, Chairman.  
MURCH,  
PERKINS,  
FOWLER,  
FARLEY.

On motion of Mr. Pendegast, the rules were suspended for the consideration of Senate Bill No. 611, above reported.

The rules were further suspended, bill considered engrossed, read a third time and passed.

Mr. Banvard verbally reported Assembly Bill No. 639, and recommended its passage.

On motion of Mr. Perkins, the rules were suspended for the consideration of Assembly Bill No. 639, above reported.

The rules were further suspended and bill read a third time and passed.

Mr. Minis verbally reported Senate Bill No. 558, and recommended its passage; also, verbally reported Assembly Bill No. 536, with same recommendation.

Mr. Hager, from the Judiciary Committee, made the following report:

**MR. PRESIDENT:** The Committee on Judiciary have had under consideration Assembly Bill No. 536—An Act to establish a Municipal Court in the City and County of San Francisco, to be called the Municipal Criminal Court of the City and County of San Francisco—report the same back with amendments, and recommend the adoption of the amendments and the passage of the bill as amended.

HAGER, Chairman.

Mr. Comte verbally reported Assembly Bill No. 643, with amendments, and as amended recommended its passage.

Mr. Comte moved to suspend the rules for the consideration of Assembly Bill No. 643, above reported.

Upon which the ayes and noes were demanded by Messrs. Comte, Larkin and Kincaid, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Betge, Chappell, Comte, Farley, Fowler, Gwin, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, O'Connor, Pacheco, Pendegast, Perkins, Saunders, Tompkins, Turner and Wand—25.

**NOES**—Messrs. Roberts and Tweed—2.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

Mr. Comte made the following report:

**MR. PRESIDENT:** The undersigned, to whom was referred Senate Bill No. 571—An Act to amend an Act entitled an Act to grant the right to construct a bridge across the Sacramento River, between the City of Sacramento and the Town of Washington, to certain parties therein named, approved April third, eighteen hundred and fifty-seven—respectfully report that they have had the same under consideration, report the bill back with amendments, and recommend its passage as amended.

MINIS,  
COMTE,  
CURTIS.

On motion of Mr. Minis, the rules were suspended for the consideration of Senate Bill No. 571, above reported.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

[President pro tem. in the chair.]

Mr. Minis verbally reported substitute for Assembly Bill No. 425 and recommended its passage.

The rules were suspended and substitute for Assembly Bill No. 425, above reported, read a third time and passed.

Mr. McDougall, from the Santa Cruz delegation, made the following report :

Mr. PRESIDENT : The Santa Cruz delegation, to whom was referred Assembly Bill No. 264—An Act to authorize the County of Santa Cruz to aid in the construction of railroads and other roads in said county, and for other purposes pertaining thereto—having had the same under consideration, report the bill back and recommend its passage.

McDOUGALL, for Delegation.

Mr. Curtis made the following report :

Mr. PRESIDENT : The Committee of Conference, appointed to confer with Assembly committee in reference to Assembly Bill No. 429—An Act granting a street railroad franchise in Sacramento—have had said bill under consideration, and unanimously recommend that the Assembly adopt Senate substitute for said bill.

CURTIS,

Chairman Senate Committee.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
March 22d, 1870. }

Mr. PRESIDENT : I am directed to inform your honorable body that the Assembly, on the fourteenth instant, passed Assembly Bill No. 493—An Act to increase the number of Notaries Public for Stanislaus and Merced Counties.

Also, Assembly Bill No. 353—An Act granting certain privileges to the Potrero and Bay View Railroad Company.

Also, Assembly Bill No. 613—An Act to amend section one of an Act entitled an Act to authorize the Board of Supervisors of Del Norte County to levy a special tax and create a Redemption Fund for the payment of the county indebtedness.

Also, Assembly Bill No. 340—An Act for the preservation of trout in the Counties of Santa Clara, Santa Cruz, San Mateo, Monterey, Alameda, Marin, Sonoma, Placer and Nevada.



Also, Assembly Bill No. 443—An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Tuolumne, San Joaquin, Plumas and Siskiyou, approved April nineteenth, eighteen hundred and fifty-nine, and the Acts amendatory and supplementary thereto.

Also, Assembly Bill No. 385—An Act to encourage the supply of fresh water on the desert west of Fort Yuma.

Also, Assembly Bill No. 444—An Act to authorize the issue of bonds by the County of San Diego to erect county buildings and to obtain a site therefor.

Also, Assembly Bill No. 463—An Act to authorize the Treasurer of Sutter County to transfer money from the General Fund to the Hospital Fund of said county.

Also, Assembly Concurrent Resolution No. 14—Asking donation of lands in Siskiyou County.

And, on the fifteenth instant, passed Assembly Bill No. 525—An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons.

Also, Assembly Bill No. 93—An Act to amend an Act entitled an Act to amend an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two, approved March thirty-first, eighteen hundred and sixty-six.

Also, Assembly Bill No. 452—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State.

Also, Assembly Bill No. 529—An Act to exempt aged and infirm persons from their liabilities for road tax

Also, Assembly Bill No. 218—An Act to amend an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one.

Also, Assembly Bill No. 539—An Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals on private property.

Also, Assembly Bill No. 577—An Act concerning estrays in the County of Sutter.

Also, Assembly Bill No. 619—An Act to incorporate the Fire Department of the City of San José.

Also, on the sixteenth instant, passed Assembly Bill No. 509—An Act authorizing the construction of a wagon toll road from or near the ranch of R. Nichols, on the Fresno River, Fresno County, to the Mammoth Tree Grove, and from thence to intersect the Yosemite trail, near Clark's Mill, in Mariposa County.

Also, Assembly Bill No. 522—An Act granting leave of absence to Arza Porter, Sheriff of Santa Barbara County.

Also, Assembly Bill No. 362—An Act to regulate the distribution of the Police Fund of the City and County of San Francisco.

Also, Assembly Bill No. 139—An Act to amend an Act entitled an Act to authorize the establishment of a steam ferry between Vallejo and Mare Island, in the County of Solano, approved March second, eighteen hundred and sixty-six.

Also, Assembly Bill No. 377—An Act supplementary to an Act entitled an Act concerning the Harbormaster of the port of San Francisco, approved March twenty-sixth, eighteen hundred and fifty-seven.

Also, Assembly Bill No. 607—An Act amendatory of and supplementary to an Act entitled an Act to reincorporate the City of Sonora.

Also, Assembly Bill No. 546—An Act for assessing and collecting revenue in the Town of San Buenaventura, and approving all ordinances and proceedings of the Town Trustees.

Also, Assembly Bill No. 517—An Act to provide for a charter of the City and County of San Francisco.

Also, Assembly Bill No. 542—An Act for the relief of A. J. Younger.

Also, Assembly Bill No. 516—An Act granting leave of absence to J. P. Moffat, County Clerk of Inyo County.

Also, Assembly Bill No. 487—An Act to aid in the construction of a wagon road from Round Valley, in Mendocino County, to Hydesville, in Humboldt County.

Also, Assembly Bill No. 390—An Act to authorize the Board of Supervisors of Solano County, on certain conditions herein named, to grant wharf franchises and to regulate the charges thereon.

Also, Assembly Bill No. 386—An Act to authorize the Board of Supervisors of the City and County of San Francisco to order paid a certain claim.

Also, Assembly Bill No. 534—An Act to authorize the Board of Supervisors of Humboldt County to transfer money from the Building Fund to the Road Fund.

Also, Assembly Bill No. 553—An Act to ratify and confirm the corporate acts of the Salinas and Pajaro Turnpike Road Company.

Also, Assembly Bill No. 167—An Act to amend an Act entitled an Act to incorporate the City of Vallejo.

Also, Assembly Bill No. 507—An Act to authorize the Board of Supervisors of Merced County to levy a tax for road purposes, and to direct the application thereof.

Also, Assembly Bill No. 608—An Act to amend an Act concerning Common Schools in the City of Placerville.

Also, Assembly Bill No. 637—An Act to amend an Act entitled an Act to provide for the sale and management of the lands belonging to the State.

Also, Assembly Bill No. 219—An Act to ratify certain acts and ordinances of the Mayor and Common Council of the City of Los Angeles.

Also, Assembly Bill No. 641—An Act to amend an Act entitled an Act to reincorporate the City of Sonoma.

Also, Assembly Bill No. 424—An Act to authorize the Board of Trustees of the City of Benicia to subscribe to the capital stock of a railroad, etc.

Also, Assembly Bill No. 380—An Act to create the Nineteenth Judicial District.

And, on the seventeenth instant, passed Assembly Bill No. 561—An Act to increase the number of Notaries Public in Monterey County.

Also, Assembly Bill No. 564—An Act to confer additional powers upon the Board of Trustees of the Town of Eureka, in the County of Humboldt.

Also, Assembly Bill No. 646—An Act granting leave of absence to F. R. Dray, County Assessor of Sacramento County.

Also, Assembly Bill No. 648—An Act entitled an Act to confer further powers on the Mayor of the City and County of San Francisco.

Also, Assembly Bill No. 647—An Act granting leave of absence to W. B. C. Brown, County Clerk of Sacramento County.

And, on the eighteenth instant, passed Assembly Bill No. 655—An

Act to encourage the destruction of squirrels, gophers and other wild animals in the Counties of Santa Clara and Monterey.

And, on the twenty-first instant, passed Assembly Bill No. 679—An Act amendatory of and supplemental to an Act to authorize the establishment of a Board of Health in the City of Sacramento.

Also, Assembly Bill No. 677—An Act in relation to labor and materials on the public buildings of this State

Also, Assembly Bill No. 26—An Act to empower Charles A. Yancey, guardian of Minnie Augusta and William Block, to sell certain real estate described herein.

Also, Assembly Bill No. 432—An Act for the relief of L. P. Hall and Samuel J. Garrison.

Also, substitute for Senate Bill No. 327—An Act to authorize the State Librarian to appoint an additional deputy, and fix the compensation therefor.

Also, Senate Bill No. 568—An Act to reincorporate the City of Stockton.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 22d, 1870. }

Mr PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed, under suspension of the rules, Assembly Bill No. 683—An Act to appropriate money for per diem and mileage of the Legislature.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 572, above reported, read first and second times and referred to the Committee on Mines and Mining Interests.

Assembly Bill No. 683, above reported, read first and second times, rules suspended, bill considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

Assembly Bill No. 493, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 353, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 386, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 362, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 377, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 517, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 648, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 613, above reported, read first and second times and referred to the Humboldt delegation.

Assembly Bill No. 534, above reported, read first and second times and referred to the Humboldt delegation.

Assembly Bill No. 340, above reported, read first and second times and referred to the Special Committee on Fish.

Assembly Bill No. 443, above reported, read first and second times and referred to the delegations named in the bill.

Assembly Bill No. 385, above reported, read first and second times and referred to the San Diego delegation.

Substitute for Assembly Bill No. 444, above reported, read first and second times and referred to the San Diego delegation.

Assembly Bill No. 463, above reported, read first and second times and referred to the Sutter delegation.

Assembly Bill No. 577, above reported, read first and second times and referred to the Sutter delegation.

Assembly Bill No. 525, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 452, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 529, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 539, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 93, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 218, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 619, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 424, above reported, read first and second times and referred to the Committee on Corporations.

Substitute for Assembly Bill No. 167, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 558, above reported, read first and second times and referred to the Committee on Roads and Highways.

Assembly Bill No. 509, above reported, read first and second times and referred to the Mariposa delegation.

Assembly Bill No. 522, above reported, read first and second times and referred to the Santa Barbara delegation.

Assembly Bill No. 546, above reported, read first and second times and referred to the Santa Barbara delegation.

Assembly Bill No. 139, above reported, read first and second times and referred to the Solano delegation.

Assembly Bill No. 390, above reported, read first and second times and referred to the Solano delegation.

Assembly Bill No. 607, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 516, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 641, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 564, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 646, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 647, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 655, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 542, above reported, read first and second times and referred to the Committee on Claims.

Assembly Bill No. 487, above reported, read first and second times and referred to the Humboldt and Mendocino delegation.

Assembly Concurrent Resolution No. 36, above reported, read first and second times, rules suspended, read a third time and adopted.

Assembly Concurrent Resolution No. 37, above reported, read first and second times, rules suspended, read a third time and adopted.

Assembly Bill No. 507, above reported, read first and second times and referred to the Merced delegation.

Assembly Bill No. 608, above reported, read first and second times and referred to the El Dorado delegation.

Assembly Bill No. 637, above reported, read first and second times and referred to the Committee on Public Lands.

Assembly Bill No. 219, above reported, read first and second times and referred to the Los Angeles delegation.

Assembly Bill No. 380, above reported, read first and second times and referred to the delegations from the Seventeenth Judicial District.

Assembly Bill No. 561, above reported, read first and second times and referred to the Monterey delegation.

Assembly Bill No. 679, above reported, read first and second times and referred to the Sacramento delegation.

#### RESOLUTION.

Mr. Bancard had leave to introduce the following resolution :

*Resolved*, That the Assembly be requested to return to the Senate Assembly Bill No. 451, for amendment.

Adopted.

Mr. Lawrence had leave to introduce the following bill—An Act to create the County of Oristimba, and to define its boundaries.

Read first and second times and referred to the Mariposa and Tulare delegations.

#### GENERAL FILE.

Senate Bill No. 355—An Act for the endowment of the State University.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Mr. Lewis moved to suspend the rules, consider the bill engrossed and place it upon its passage.

Upon which the ayes and noes were demanded by Messrs. Larkin, Lewis and Comte, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Beach, Burnett, Chappell, Conly, Conn, Green, Gwin, Hager, Hutchings, Irwin, Kincaid, Lawrence, Lewis, Maclay, McDougall, Morrill, Murch, Orr, Pacheco, Pendegast, Perkins, Tompkins, Turner, Wand, Wilson and Wing—28.

**NOES**—Messrs. Betge, Curtis, Farley, Fowler, Hunter, Larkin, Mandeville, Minis, O'Connor, Roberts and Tweed—11.

The bill was read a third time and passed.

Senate Bill No. 622—An Act to provide for the construction of a wagon road from and to the Yosemite Valley and Big Tree Grove.

Rules suspended, bill considered engrossed and read a third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Irwin, O'Connor and Minis, and the bill was passed, by the following vote:

**AYES**—Messrs. Banvard, Betge, Burnett, Chappell, Conly, Conn, Green, Hager, Lawrence, Maclay, Mandeville, McDougall, Murch, Orr, Pacheco, Pendegast, Roberts, Saunders, Tompkins, Wand and Wilson—21.

**NOES**—Messrs. Beach, Comte, Curtis, Farley, Fowler, Hunter, Hutchings, Irwin, Larkin, Lewis, Minis, O'Connor, Perkins and Turner—14

Senate Bill No. 506—An Act to authorize the sale of certain salt marsh and tide lands in the County of Marin.

Further considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

On motion of Mr. Minis, the bill under consideration was made the special order for Friday next, at two o'clock P. M.

On motion of Mr. Green, Senate Bill No. 492—An Act authorizing the sale and conveyance to H. A. Cobb, Thomas H. Turner, J. M. McNulty, Joseph Austin and Thomas N. Cazneau, certain swamp, marsh, tide and submerged lands belonging to the State of California—and Senate Bill No. 501—An Act to dispose of certain salt marsh and tide lands in the Counties of Marin and San Francisco—were made the special order for Friday next, at two o'clock P. M.

#### SPECIAL ORDER.

Governor's message vetoing Assembly Bills Nos. 267 and 99.

Upon the question, "Shall Assembly Bill No. 267 become a law, notwithstanding the objections of the Governor?" the roll was called, with the following result:

**AYES**—None.

**NOES**—Messrs. Banvard, Beach, Betge, Burnett, Chappell, Comte, Conly, Conn, Curtis, Farley, Fowler, Green, Hager, Hunter, Hutchings, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Murch, O'Connor, Orr, Pacheco, Pendegast, Perkins, Roberts, Saunders, Tompkins, Turner, Tweed, Wand, Wilson and Wing—37.

Upon the question, "Shall Assembly Bill No. 99 become a law, notwithstanding the objections of the Governor?" the roll was called, with the following result:

**AYES**—Messrs. Betge, Comte, Green, Kincaid, Pendegast and Roberts—6.

**NOES**—Messrs. Banvard, Beach, Burnett, Chappell, Conly, Conn, Curtis, Farley, Fowler, Hager, Hunter, Hutchings, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, Murch, O'Connor, Orr, Pacheco, Perkins, Tompkins, Turner, Tweed, Wand, Wilson and Wing—31.

[President pro tem. in the chair.]

#### SPECIAL ORDER.

Senate Bill No. 62—An Act to amend an Act entitled an Act for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one.

Mr. Mandeville moved to discharge the special order, and make the bill the special order for to-morrow, at two o'clock P. M.

Upon which the ayes and noes were demanded by Messrs. Larkin, Hunter and Green, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Beach, Burnett, Comte, Conly, Conn, Curtis, Farley, Fowler, Green, Hager, Hutchings, Kincaid, Lawrence, Maclay, Mandeville, McDougall, Minis, Morrill, Orr, Pacheco, Perkins, Roberts, Saunders, Tompkins, Turner, Tweed, Wand, Wilson and Wing—29.

**NOES**—Messrs. Banvard, Betge, Chappell, Hunter, Larkin, Lewis, Murch, O'Connor and Pendegast—9.

#### SPECIAL ORDER.

Governor's message vetoing Senate Bill No. 310.

Mr. Comte moved to discharge the special order, and make the same the special order for Friday next, at two o'clock P. M.

Lost.

Upon the question, "Shall the bill become a law, notwithstanding the objections of the Governor?" the roll was called, with the following result:

**AYES**—Messrs. Betge, Comte, Farley, Hager, Kincaid, Lewis, Minis and Saunders—8.

**NOES**—Messrs. Banvard, Beach, Burnett, Chappell, Conly, Conn, Curtis, Fowler, Green, Hunter, Hutchings, Irwin, Larkin, Lawrence, Maclay, Mandeville, McDougall, Morrill, Murch, O'Connor, Orr, Pacheco, Pendegast, Perkins, Roberts, Tompkins, Turner, Tweed, Wand, Wilson and Wing—31.

Mr. Curtis had leave to introduce the following bill—An Act concerning the construction of the State Capitol in the City of Sacramento.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

#### REPORTS.

Mr. Kincaid, from the Judiciary Committee, made the following majority report:

**Mr. PRESIDENT:** A majority of the Judiciary Committee have had under consideration Senate Bill No. 432—An Act to provide for the improvement of a certain part of the City and County of San Francisco—and also a proposed substitute for the same, and report back the said bill with the substitute therefor, and recommend the adoption and the passage of the substitute.

KINCAID,  
LEWIS,  
PENDEGAST,  
COMTE,  
ROBERTS.

**Mr. Hager, from the Judiciary Committee, made the following minority report:**

**Mr. PRESIDENT:** The minority of the Judiciary Committee have had under consideration Senate Bill No. 432, and a proposed substitute for the same, and recommend that the same be indefinitely postponed.

HAGER.  
FARLEY,  
SAUNDERS,  
TOMPKINS,  
CURTIS.

**Mr. Tweed** had leave to introduce the following bill—An Act concerning the office of Clerk of the Board of Supervisors and Equalization in the County of Placer.

Read first and second times and referred to the Placer delegation.

**Mr. Pendegast** moved to suspend the rules for the consideration of Senate Bill No. 432, above reported from the Judiciary Committee.

Upon which the ayes and noes were demanded by Messrs. Wand, O'Connor and Green, and the Senate refused, by the following vote:

**AYES**—Messrs. Beach, Betge, Chappell, Comte, Green, Hutchings, Kincaid, Lawrence, Lewis, Maclay, Morrill, Murch, Pendegast, Roberts and Wing—15.

**NOES**—Messrs. Burnett, Conly, Conn, Curtis, Farley, Fowler, Gwin, Hager, Hunter, Irwin, Larkin, Mandeville, McDougall, O'Connor, Orr, Perkins, Saunders, Tompkins, Turner, Tweed and Wand—21.

#### RESOLUTION.

By Mr. Comte:

*Resolved*, That the Assembly be and they are hereby respectfully requested to return Senate Bill No. 571, for the purpose of amending the same.

Adopted.

On motion of Mr. Hager, substitute for Senate Bill No. 432, reported from the Judiciary Committee, was ordered printed.

#### APPOINTMENT.

The President announced the appointment of the following Committee of Conference on the disagreeing vote on Assembly Bill No. 196: Messrs. Wilson, Hunter and Minis.



## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
March 22d, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Senate Bill No. 207—An Act to provide for the sale and conveyance of certain submerged lands in the City and County of San Francisco to Henry B. Tichenor.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 22d, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, concurred in the report of the Committee of Conference on Assembly Bill No. 429, and adopted the Senate substitute for said bill.

And, on the fourteenth instant, passed Assembly Bill No. 615—An Act granting leave of absence to John Gale, District Attorney of Sierra County.

And, on the seventeenth instant, passed Assembly Bill No. 609—An Act to legalize and provide for the collection of delinquent taxes in the County of Yolo for the fiscal year commencing March first, eighteen hundred and sixty-nine.

Also, Assembly Bill No. 515—An Act to confer additional power upon the Board of Trustees of Suisun City and for other purposes.

And, on the eighteenth instant passed Assembly Bill No. 654—An Act to authorize the Assessor of Contra Costa County to employ a deputy.

Also, Assembly Bill No. 650—An Act to authorize the Board of Supervisors of Marin County to transfer certain funds.

Also, Assembly Bill No. 651—An Act to appropriate money for the purpose of properly inclosing the grave of the late Hon. James B. Smith and to erect a monument to his memory.

And, on the nineteenth instant, passed Assembly Bill No. 602—An Act to define and establish the boundary line between the Counties of Mono and Inyo.

And, on the twenty-first instant, passed Assembly Bill No. 524—An Act to authorize and empower the President and Trustees of the City of San Diego to donate lands to the San Diego and Los Angeles Railroad Company, and to aid in the construction of said railroad.

Also, Assembly Bill No. 678—An Act relative to a supply of water for the City of Sacramento.

CRAWFORD,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 482, above reported, read first and second times and referred to the Tulare delegation.

Assembly Bill No. 677, above reported, read first and second times and placed on file.

Assembly Bill No. 26, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 615, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 609, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 515, above reported, read first and second times and referred to the Yolo delegation.

Assembly Bill No. 654, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 650, above reported, read first and second times and referred to the Marin delegation.

Assembly Bill No. 651, above reported, read first and second times and referred to the Committee on Public Expenditures.

Assembly Bill No. 602, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 524, above reported, read first and second times and referred to the Los Angeles delegation.

Assembly Bill No. 678, above reported, read first and second times and referred to the Sacramento delegation.

#### REPORTS.

Mr. Banvard, from the Finance Committee, made the following report:

MR. PRESIDENT: Your Committee on Finance, to whom was referred substitute for Assembly Bill No. 309, having had the same under consideration, would respectfully report the same back, and recommend the passage of the same.

BANVARD, Chairman.

On motion of Mr. Banvard, the rules were suspended for the consideration of Assembly Bill No. 309, above reported.

The rules were further suspended, bill read a third time and passed.

Mr. Lawrence had leave to introduce the following bill—An Act to change the terms of the District Court of the Thirteenth Judicial District of the State of California, in and for the Counties of Tulare, Fresno, Merced and Mariposa.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

Mr. Murch, from the Committee on Enrolment, made the following report:

MR. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 456—An Act amendatory of and supplementary to an Act entitled an Act to incorporate the Town of Redwood City, approved March twenty-seventh, eighteen hundred and sixty-eight.

Also, Senate Bill No. 454—An Act amendatory to an Act concerning roads and highways in the County of San Mateo.

Also, Senate Bill No. 287—An Act to provide funds for the School Department of the City of Oakland.

Also, Senate Bill No. 189—An Act for the relief of Robert M. Folger.

Also, Senate Bill No. 353—An Act amendatory of and supplementary to an Act entitled an Act to incorporate the Town of San Luis Obispo, approved April fourteenth, eighteen hundred and sixty-three.

Also, Senate Bill No. 246—An Act to legalize certain county warrants in the County of Tuolumne.

Also, Senate Bill No. 332—An Act to provide for paying certain claims against the City of Oakland, and to contract a funded debt for that purpose.

Also, Senate Bill No. 240—An Act granting to the North Beach and Mission Railroad Company certain rights therein named.

Also, Senate Bill No. 460—An Act relative to the printing of certain reports.

Also, Senate Resolution No. 58—Relative to granting leave of absence to Thomas Laspeyre, District Attorney of Kern County.

Also, Senate Resolution No. 13—Relative to a mail route in Merced County.

Also, Senate Bill No. 532—An Act for the maintenance of the indigent sick in certain townships therein named, in Siskiyou County.

And this day, at twelve o'clock M., presented the same to the Governor for his approval.

MURCH, for Committee.

Mr. Banvard had leave to introduce the following bill—An Act to amend section ninety-seven of the Criminal Practice Act.

Read first and second times and referred to the Judiciary Committee.

At four o'clock and thirty minutes P. M., on motion of Mr. Roberts, the Senate adjourned until to-morrow, at ten o'clock A. M.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

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## IN SENATE.

SENATE CHAMBER,  
Wednesday, March 23d, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Leave of absence was granted, for this day, to W. R. Gober, Chaplain of the Senate.

Journal of yesterday read and approved.

## REPORT.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 611—An Act to legalize certain applications for the purchase of lands belonging to this State.

Also, Senate Bill No. 637—An Act amendatory of and supplementary to an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City of Petaluma.

Also, Senate Bill No. 628—An Act to amend an Act entitled an Act concerning the military of the State of California.

Also, Senate Bill No. 355—An Act for the endowment of the University of California.

Also, Senate Bill No. 622—An Act to provide for the construction of a wagon road from and to Yosemite Valley and Big Tree Grove.

Also, Senate Bill No. 640—An Act concerning the construction of the State Capitol, in the City of Sacramento.

Also, Senate Bill No. 571—An Act to amend an Act entitled an Act to grant the right to construct a bridge across the Sacramento River, between the City of Sacramento and the Town of Washington, to certain parties therein named.

O'CONNOR, Chairman.

#### RESOLUTION.

Mr. Lawrence had leave to introduce the following resolution :

*Resolved*, That E. C. Chambers be and he is hereby allowed the sum of four dollars per day, from the tenth day of March, eighteen hundred and seventy, to the last day of the present session of the Legislature, for services as Porter of the Senate, payable out of the Contingent Fund of the Senate.

Adopted.

#### PETITION.

By Mr. Tompkins—From citizens of the City of Oakland, against the passage of any bill for the change of the boundary lines of said city.

Read and, together with resolutions of the City Council of said city, referred to the Committee on Corporations.

#### REPORTS.

Mr. Conly, from the Committee on Enrolment, made the following report :

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 192—An Act granting certain privileges to the Central Railroad Company, of San Francisco.

Also, Senate Bill No. 398—An Act to amend an Act entitled an Act to authorize J. Bidwell, J. C. Mandeville and others, to construct a wagon road in the Counties of Butte and Plumas, approved April fourteenth, eighteen hundred and sixty-three, and amended March sixteenth, eighteen hundred and sixty-four.

Also, Senate Bill No. 294—An Act to modify the grade of certain streets in the City and County of San Francisco.

Also, Senate Bill No. 585—An Act concerning the office of County Clerk of Napa County.

Also, Senate Bill No. 474—An Act to authorize the guardian of F. G. Bartholomew and Ralph H. Bartholomew, infant heirs of Jacob Bar-

tholomew, deceased, to sell real estate of said minors at public or private sale.

Also, Senate Bill No. 491—An Act to authorize S. M. Sproul, George F. Jones, Charles L. Stilson and James A. Clark, to construct and maintain water works in the Town of Chico.

Also, Senate Resolution No. 54—Relative to correcting error in Senate Bill No. 577.

And this day, at four o'clock P. M., presented the same to the Governor for his approval.

CONLY, for Committee.

Mr. Murch, from the Humboldt delegation, made the following report :

Mr. PRESIDENT: The Humboldt delegation, to whom was referred Assembly Bill No. 534—An Act to authorize the Board of Supervisors of Humboldt County to transfer money from the Building Fund to the Road Fund—have had the same under consideration, report the bill back and recommend its passage.

MURCH, for Delegation.

On motion of Mr. Murch, the rules were suspended for the consideration of Assembly Bill No. 534, above reported.

The rules were further suspended, bill read a third time and passed.

Mr. Murch, from the Del Norte delegation, made the following report :

Mr. PRESIDENT: The Del Norte delegation, to whom was referred Assembly Bill No. 613—An Act to amend section one of an Act entitled an Act to authorize the Board of Supervisors of Del Norte County to levy a special tax and create a Redemption Fund for the payment of county indebtedness—have had the same under consideration, and report it back with an amendment, and recommend its passage as amended.

MURCH, for Delegation.

On motion of Mr. Murch, the rules were suspended for the consideration of Assembly Bill No. 613, above reported.

The rules were further suspended, bill read a third time and passed ; title amended and amendment adopted.

Mr. Lewis, from the Tehama and Colusa delegation, made the following report :

Mr. PRESIDENT: The Tehama and Colusa delegation, to whom was referred Senate Bill No. 559—An Act to empower the Counties of Yolo, Colusa and Tehama to aid in the construction of a railroad in said counties—have had the same under consideration, and report the same back to the Senate and ask that it be indefinitely postponed.

LEWIS, for Delegation.

[Mr. Mandeville in the chair.]

Mr. Minis moved to suspend the rules for the consideration of Senate Bill No. 559, above reported.

Upon which the ayes and noes were demanded by Messrs Lewis, Murch and O'Connor, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Beach, Burnett, Chappell, Conly, Curtis, Hager, Hutchings, Irwin, Maclay, Mandeville, Minis, Morrill, Murch, Orr, Pacheco, Pendegast, Saunders, Tompkins, Wand, Wilson and Wing—21.

**NOES**—Messrs. Farley, Hunter, Larkin, Lewis and O'Connor—5.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Mr. Lewis moved to amend the bill by striking out the words "Tehama" and "Colusa," wherever they appear in the bill.

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Lewis, Minis and Irwin, and the Senate refused, by the following vote :

**AYES**—Messrs. Burnett, Comte, Farley, Fowler, Hager, Hunter, Lewis, McDougall, O'Connor, Perkins, Turner and Tweed—12.

**NOES**—Messrs. Banvard, Beach, Conly, Curtis, Green, Gwin, Hutchings, Irwin, Kincaid, Maclay, Mandeville, Minis, Morrill, Murch, Orr, Pacheco, Pendegast, Roberts, Saunders, Tompkins, Wand, Wilson and Wing—23.

Mr. Minis moved to suspend the rules for the purpose of considering the bill engrossed.

Upon which the ayes and noes were demanded by Messrs. Lewis, O'Connor and Minis, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Beach, Burnett, Comte, Conly, Curtis, Green, Gwin, Hutchings, Irwin, Kincaid, Maclay, Mandeville, Minis, Murch, Orr, Pacheco, Pendegast, Roberts, Saunders, Tompkins, Tweed, Wand, Wilson and Wing—25.

**NOES**—Messrs. Farley, Fowler, Hager, Hunter, Lewis, McDougall, Morrill, O'Connor, Perkins and Turner—10.

The bill was read a third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Lewis, O'Connor and Minis, and the bill was passed, by the following vote :

**AYES**—Messrs. Banvard, Beach, Burnett, Comte, Conly, Curtis, Green, Gwin, Hutchings, Irwin, Kincaid, Lewis, Maclay, Minis, Morrill, Murch, Orr, Pacheco, Pendegast, Perkins, Roberts, Saunders, Tompkins, Wand, Wilson and Wing—26.

**NOES**—Messrs. Farley, Fowler, Hager, Hunter, Mandeville, McDougall, O'Connor and Turner—8.

Messrs. Lewis and Minis each gave notice that they would, on to-morrow, move to reconsider the vote by which Senate Bill No. 559 was passed.

Mr. Conn verbally reported Assembly Bill No. 524, and recommended its passage.

The rules were suspended and Assembly Bill No. 524, above reported, was read a third time and passed.

Mr. Hager, from the San Francisco delegation, made the following report:

Mr. PRESIDENT: The San Francisco delegation have had under consideration Senate Bill No. 430—An Act to create a Board of Public Works in and for the County of San Francisco—report the same back with amendments and recommend the passage of the bill as amended.

HAGER, for Delegation.

On motion of Mr. Hager, the rules were suspended for the consideration of Senate Bill No. 430, above reported.

The amendments reported by the San Francisco delegation were adopted and bill ordered engrossed.

[President in the chair.]

#### GENERAL FILE.

Senate Bill No. 211—An Act supplementary to an Act entitled an Act to provide for the management and sale of the lands belonging to the State.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 512—An Act establishing a commission for the revision of the laws.

Upon the indefinite postponement of the bill, the ayes and noes were demanded by Messrs. Kincaid, Comte and Larkin, and the Senate refused, by the following vote:

AYES—Messrs. Burnett, Comte, Conn, Curtis, Kincaid, Larkin, Lewis, Pacheco, Roberts, Saunders, Tompkins and Wilson—12.

NOES—Messrs. Banvard, Beach, Betge, Chappell, Conly, Farley, Fowler, Green, Gwin, Hager, Hunter, Hutchings, Irwin, Lawrence, Maclay, Mandeville, McDougall, Murch, O'Connor, Orr, Perkins, Turner, Tweed and Wing—24.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

Messrs. Tompkins and Farley each gave notice that they would, on to-morrow, move a reconsideration of the vote by which Assembly Bill No. 512 was passed.

Assembly Bill No. 237—An Act to promote the study of anatomy.  
Read a third time and passed.

Assembly Bill No. 128—An Act to amend an Act entitled an Act to amend section one hundred and twenty-one of an Act entitled an Act to regulate the settlement of estates of deceased persons.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed; title amended and amendment adopted.

On motion of Mr. Hager, Senate Bill No. 390—An Act supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one—was taken up out of its order.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 146—An Act amendatory of and supplemental to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

Read a third time and passed; title amended and amendment adopted.

Assembly Bill No. 260—An Act relative to the quartz mines of the State of California, and to protect the miners employed therein.

Upon the indefinite postponement of the bill, the ayes and noes were demanded by Messrs. Roberts, Murch and Hunter, and the Senate refused, by the following vote :

**AYES**—Messrs. Banvard, Chappell, Comte, Fowler, Gwin, Hunter, Hutchings, Larkin, Mandeville, Murch, O'Connor, Perkins and Wilson—13.

**NOES**—Messrs. Betge, Burnett, Conly, Conn, Curtis, Irwin, Kincaid, Lewis, Maclay, McDougall, Minis, Pendegast, Roberts, Tompkins and Wand—15.

On motion of Mr. Mandeville, the bill was laid on the table.

Assembly Bill No. 555—An Act in relation to State aid for internal improvements.

Upon the indefinite postponement of the bill, the ayes and noes were demanded by Messrs. O'Connor, Larkin and Roberts, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Beach, Burnett, Chappell, Comte, Conly, Conn, Curtis, Green, Gwin, Hager, Hutchings, Kincaid, Maclay, McDougall, Morrill, Murch, Orr, Pacheco, Perkins, Roberts, Saunders, Tompkins, Turner, Tweed, Wilson and Wing—27.

**NOES**—Messrs. Betge, Farley, Fowler, Hunter, Irwin, Larkin, Lawrence, Lewis, Mandeville, Minis, O'Connor, Pendegast and Wand—18.

[Mr. Farley in the chair.]

#### SPECIAL ORDER.

Senate Bill No. 62—An Act to amend an Act entitled an Act for the



incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one.

Upon the adoption of the substitute reported by the Committee on Corporations, the ayes and noes were demanded by Messrs Tweed, Larkin and Green, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Beach, Betge, Burnett, Chappell, Comte, Conly, Conn, Curtis, Fowler, Green, Gwin, Hager, Hutchings, Irwin, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murch, O'Connor, Orr, Pacheco, Pendegast, Perkins, Roberts, Saunders, Tompkins, Wand, Wilson and Wing—31.

**NOES**—Messrs. Banvard, Farley, Hunter, Larkin, Lewis, Mandeville, Turner and Tweed—8.

Mr. Irwin moved to amend, by striking section two from the bill.

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Irwin, Larkin and Maclay, and the Senate refused, by the following vote :

**AYES**—Messrs. Banvard, Burnett, Conn, Farley, Fowler, Hager, Hunter, Irwin, Larkin, Lawrence, Lewis, Mandeville, McDougall, Minis, O'Connor, Roberts, Saunders, Turner and Tweed—19

**NOES**—Messrs. Beach, Betge, Chappell, Comte, Conly, Curtis, Green, Gwin, Hutchings, Kincaid, Maclay, Morrill, Murch, Orr, Pacheco, Pendegast, Perkins, Tompkins, Wand, Wilson and Wing—21.

Mr. Lewis moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Larkin, Lewis and Green, and the Senate refused, by the following vote :

**AYES**—Messrs. Banvard, Burnett, Fowler, Hunter, Irwin, Larkin, Lewis, Mandeville, Minis, O'Connor, Turner, Tweed and Wand—13.

**NOES**—Messrs. Beach, Betge, Chappell, Comte, Conly, Conn, Curtis, Farley, Green, Gwin, Hager, Hutchings, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murch, Orr, Pacheco, Pendegast, Perkins, Roberts, Saunders, Tompkins, Wilson and Wing—27.

Mr. Irwin moved to amend section two, by adding thereto the following: "Nothing in this section shall be so construed as to limit future legislation upon any matter in this Act contained."

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Irwin, Maclay and Minis, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Burnett, Farley, Fowler, Hager, Hunter, Irwin, Larkin, Lawrence, Lewis, Mandeville, McDougall, Minis, O'Connor, Perkins, Roberts, Saunders, Turner, Tweed, Wand and Wilson—21.

**NOES**—Messrs. Beach, Betge, Chappell, Comte, Conly, Curtis, Green, Gwin, Hutchings, Kincaid, Maclay, Morrill, Murch, Orr, Pacheco, Pendegast, Tompkins and Wing—18.

Rules suspended, bill considered engrossed, read a third time and passed.

At five o'clock and fifteen minutes P. M., on motion of Mr. Roberts, the Senate adjourned.

## EVENING SESSION.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present

## SPECIAL FILE.

Assembly Bill No. 162—An Act to authorize E. J. Brickell and associates to improve the channel of Truckee River.

Considered in Committee of the Whole and amended.

## IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time.

Mr. Lawrence moved the previous question, which was ordered.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Larkin, Farley and Roberts, and the bill was passed, by the following vote:

**AYES**—Messrs. Banvard, Betge, Chappell, Farley, Hutchings, Lawrence, Lewis, Mandeville, McDougall, O'Connor, Orr, Pacheco, Perkins, Roberts, Tompkins, Turner, Tweed and Wing—18.

**NOES**—Messrs. Beach, Burnett, Comte, Conn, Curtis, Hager, Hunter, Kincaid, Larkin, Minis, Morrill, Pondegast and Saunders—13.

Messrs. Farley and Roberts each gave notice that they would, on tomorrow, move a reconsideration of the vote by which Assembly Bill No. 162 was passed.

[President pro tem. in the chair.]

Mr. Comte moved to suspend the rules for the consideration of Senate Bill No. 554.

Upon which the ayes and noes were demanded by Messrs. Larkin, Mandeville and Hunter, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Beach, Betge, Burnett, Chappell, Comte, Conly, Conn, Curtis, Farley, Hager, Hunter, Hutchings, Kincaid, Lawrence, Lewis, McDougall, Minis, Murch, O'Connor, Orr, Pacheco, Pondegast, Perkins, Roberts, Saunders, Tompkins, Turner, Tweed, Wand, Wilson and Wing—32.

**NOES**—Messrs. Larkin and Mandeville—2.

Senate Bill No. 554—An Act to extend the time allowed the Southern Pacific Railroad Company and the Western Pacific Railroad Company in which to make the terminus of their roads upon certain lands donated to them by the State for that purpose, in the City and County of San Francisco.

Considered in Committee of the Whole and amended.

## IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended and bill considered engrossed, under the operation of the previous question.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Larkin, Maclay and Mandeville, and the bill was passed, by the following vote :

**AYES**—Messrs. Banvard, Beach, Betge, Burnett, Chappell, Comte, Conn, Curtis, Farley, Fowler, Green, Hager, Hutchings, Irwin, Kincaid, Lawrence, Maclay, Mandeville, McDougall, Minis, Morrill, Murch, O'Connor, Orr, Pendegast, Perkins, Roberts, Saunders, Tompkins, Turner, Tweed, Wand, Wilson and Wing—34.

**NOES**—Messrs. Conly, Hunter, Larkin and Lewis—4.

Mr. Mandeville gave notice that he would, on to-morrow, move to reconsider the vote by which said bill was passed.

At nine o'clock and twenty minutes P. M. Mr. Larkin moved to adjourn. Lost.

Mr. Lawrence had leave to introduce the following resolution :

*Resolved*, That no Senator shall speak more than twice, nor longer than five minutes at any one time, upon any question pending before the Senate during an evening session, without the unanimous leave of the Senate.

Mr. Lawrence moved to suspend the rules for the consideration of said resolution.

Upon which the ayes and noes were demanded by Messrs. Lawrence, Larkin and Maclay, and the Senate refused, by the following vote :

**AYES**—Messrs. Banvard, Beach, Betge, Burnett, Chappell, Conn, Green, Hutchings, Kincaid, Lawrence, Maclay, McDougall, Murch, O'Connor, Orr, Pendegast, Perkins, Roberts, Tompkins, Turner, Tweed, Wand and Wing—23.

**NOES**—Messrs. Comte, Conly, Curtis, Farley, Fowler, Hager, Hunter, Irwin, Larkin, Lewis, Mandeville, Minis, Morrill, Pacheco and Saunders—15.

Mr. Pendegast had leave to introduce the following resolution :

**WHEREAS**, A certain grant of tide lands was made to the Golden City Homestead Association by an Act of the Legislature, approved April fourth, eighteen hundred and sixty-four, entitled an Act to authorize the sale and conveyance to the Golden City Homestead Association of certain overflowed lands in the City and County of San Francisco ; and whereas, there is now good reason to believe that no such association ever existed in fact, and that all the representations which were then made by interested parties, which served as the pretext for such grant, were incorrect, if not absolutely false ; therefore,

*Resolved*, That a special committee of three be appointed, with full powers to administer oaths and require the presence of persons and production of papers, and report what action, if any, is necessary to secure to the State of California the full benefit of the land thus fraudulently granted to such so-called association.

Adopted.

At nine o'clock and forty minutes P. M., on motion of Mr. Maclay, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

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## IN SENATE.

SENATE CHAMBER,  
Thursday, March 24th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Wilson was granted leave of absence for one day.

## APPOINTMENT.

The President announced the appointment of the following committee, in pursuance of a resolution adopted by the Senate on yesterday, relative to the investigation into certain alleged frauds in the Act granting land to the Golden City Homestead Association: Messrs. Pendegast, Larkin and Lewis.

## PETITION.

By Mr. Wand—From citizens of the City of San Francisco, for the repeal of the mortgage tax law.

The petition was read and, on motion of Mr. Wand, the rules were suspended for the consideration of the bill to which the petition refers, to wit: Senate Bill No. 597—An Act to relieve the owners of encumbered real estate from double taxation.

Mr. Pendegast moved to postpone the consideration of the general file until one o'clock P. M.

Upon which the ayes and noes were demanded by Messrs. Roberts, O'Connor and Irwin, and the Senate refused, by the following vote:

**AYES**—Messrs. Banvard, Betge, Burnett, Chappell, Conly, Conn. Fowler, Green, Hager, Kincaid, Lawrence, Lewis, Maclay, Manderville, McDougall, Morrill, Murch, Pacheco, Pendegast, Saunders, Tompkins, Wand and Wing—28.

**NOES**—Messrs. Beach, Comte, Curtis, Farley, Gwin, Hunter, Hutchings, Irwin, Larkin, Minis, O'Connor, Orr, Perkins, Roberts, Turner and Tweed—16.

Pursuant to notice, Mr. Lewis moved to reconsider the vote by which the Senate, on yesterday, passed Senate Bill No. 559.

On motion of Mr. Curtis, the motion to reconsider was laid on the table.

## GENERAL FILE.

Senate Bill No. 466—An Act for the establishment and maintenance of a State Immigration Bureau.

Considered in Committee of the Whole and amended.

## IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate, with the exception of the amendment filling the blank in section two with one hundred and fifty dollars, and the amendment striking section seven out of the bill.

Upon the adoption of the amendment filling the blank in section two with one hundred and fifty dollars, the ayes and noes were demanded by Messrs. Mandeville, Betge and Green, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Beach, Burnett, Chappell, Comte, Curtis, Farley, Fowler, Green, Hager, Hunter, Hutchings, Irwin, Larkin, Minis, Murch, O'Connor, Pacheco, Roberts and Turner—20.

**NOES**—Messrs. Betge, Conn, Gwin, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Orr, Pendegast, Tompkins and Wing—12.

Upon concurring in the amendment striking section seven from the bill, the ayes and noes were demanded by Messrs. Mandeville, Larkin and Betge, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Beach, Burnett, Chappell, Comte, Curtis, Farley, Fowler, Hager, Hunter, Hutchings, Irwin, Larkin, Lewis, Minis, Murch, O'Connor, Pacheco, Roberts and Turner—20.

**NOES**—Messrs. Betge, Conn, Gwin, Kincaid, Lawrence, Mandeville, McDougall, Orr, Pendegast, Tompkins and Wing—11.

Mr. Comte moved to amend the bill by striking out the enacting clause.

Upon which the ayes and noes were demanded by Messrs. Comte, Larkin and Betge, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Beach, Burnett, Chappell, Comte, Curtis, Farley, Fowler, Hager, Hunter, Hutchings, Irwin, Larkin, Lewis, Minis, Murch, O'Connor, Orr, Pacheco, Perkins, Roberts and Turner—22.

**NOES**—Messrs. Betge, Conn, Gwin, Kincaid, Lawrence, Mandeville, McDougall, Pendegast, Tompkins, Wand and Wing—11.

Assembly Bill No. 334—An Act to amend an Act concerning corporations.

Read a third time and passed.

Assembly Bill No. 383—An Act to amend an Act entitled an Act to amend the revenue laws, approved April fourth, eighteen hundred and sixty-four.

Read a third time and passed.

Assembly Bill No. 413—An Act to legalize and confirm deeds of conveyance and grants of land within the pueblo lands of San Diego.

Considered in Committee of the Whole and amended.

## IN SENATE.

Amendments of committee adopted.

Bill read a third time and passed.

Assembly Bill No. 506—An Act to appropriate money for the relief of James W. Marshall.

Upon the third reading of the bill, the ayes and noes were demanded by Messrs. Comte, Larkin and Green, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Betge, Burnett, Chappell, Conn, Curtis, Fowler, Green, Gwin, Hunter, Irwin, Kincaid, Larkin, Lawrence, Lewis, Mandeville, McDougall, Minis, Pacheco, Pendegast, Perkins, Saunders, Tompkins, Turner, Wand and Wing—26.

**NOES**—Messrs. Comte, Murch and O'Connor—3.

The bill was read a third time and passed.

Assembly Bill No. 408—An Act to appropriate money for the relief of General John A. Sutter.

The bill was read a third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Comte, Larkin and Green, and the bill was passed, by the following vote :

**AYES**—Messrs. Banvard, Betge, Conly, Conn, Fowler, Green, Gwin, Larkin, Lawrence, Lewis, Mandeville, McDougall, Minis, Orr, Pacheco, Pendegast, Perkins, Roberts, Saunders, Tompkins, Turner, Wand and Wing—23.

**NOES**—Messrs. Comte, Murch and O'Connor—3.

Assembly Bill No. 381—An Act to amend an Act entitled an Act to provide for the incorporation of colleges, passed April twentieth, eighteen hundred and fifty.

Read a third time and passed.

Assembly Bill No. 677—An Act in relation to labor and material on the public buildings of this State.

Mr. Tompkins moved to refer the bill to the Committee on Public Buildings.

Lost.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Roberts, Larkin and Green, and the bill was passed, by the following vote :

**AYES**—Messrs. Banvard, Betge, Comte, Curtis, Farley, Fowler, Gwin, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, Minis, Morrill, O'Connor, Pendegast, Roberts, Saunders and Wand—23.

**NOES**—Messrs. Beach, Chappell, Conly, Green, Murch, Orr, Pacheco, Perkins, Tompkins, Turner and Wing—11.

Messrs. Roberts and Maclay each gave notice that they would, on to-morrow, move a reconsideration of the vote by which Assembly Bill No. 677 was passed.

Assembly Bill No. 120—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of the several counties of this State

to grant the right to construct wharves on the overflowed and submerged lands of this State, approved April eighth, eighteen hundred and fifty-eight.

The bill was considered in Committee of the Whole and amended.  
[President pro tem. in the chair.]

#### SPECIAL ORDER.

Senate Bill No. 149—An Act concerning the Insane Asylum of the State of California.

Mr. Pendegast presented a petition from the citizens of San Joaquin County relative to said bill, asking that a change in the present management of the State Insane Asylum at Stockton, etc.

On motion of Mr. Mandeville, the amendments made to said bill in the Assembly were concurred in by the Senate.

Mr. Comte had unanimous consent to withdraw Senate Bill No. 609.

#### PETITIONS.

By Mr. Tompkins—From citizens of Oakland, against the passage of an Act for the altering or in any manner changing the boundary lines of said city.

Read and referred to the Committee on Corporations.

By Mr. Chappell—From citizens of San Francisco, for the passage of Senate Bill No. 597.

Read and laid on the table.

#### REPORTS.

Mr. Saunders, from the Committee on Corporations, made the following report:

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 218—An Act to amend an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one—have had the same under consideration, and report it back with the recommendation that it be passed.

Also, substitute for Assembly Bill No. 256—An Act to authorize the Board of Supervisors of San Joaquin County to donate one hundred thousand dollars to the Stockton and Copperopolis Railroad Company and to provide for the payment of the same, and other matters relating thereto—report the same back and recommend that it be passed.

SAUNDERS, Chairman.

Mr. Saunders verbally reported Assembly Bills Nos 424 and 167, and recommended their reference to the Yolo delegation.

Mr. Saunders also verbally reported substitute for Assembly Bill No. 468, with an amendment, and recommended its passage as amended.

The rules were suspended, bill considered in Committee of the Whole and amended.

## IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

Mr. Larkin verbally reported Senate Bill No. 627, and recommended its passage.

The rules were suspended, bill considered in Committee of the Whole and amended.

On motion of Mr. Comte, the bill was referred to the Judiciary Committee, with instructions to report on Saturday.

## MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 21st, 1870.

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 320—An Act for the relief of Mary Likens and others.

Also, Senate Bill No. 471—An Act to amend an Act entitled an Act to authorize the establishment of county infirmaries for the relief of the indigent, and to amend an Act entitled an Act to provide for the indigent sick in the counties of this State, approved March thirty-first, eighteen hundred and fifty-five, approved April eighteenth, eighteen hundred and sixty.

Also, Senate Bill No. 280—An Act amendatory and supplemental to an Act entitled an Act to authorize the Judges of the Supreme Court to employ a Secretary, approved April twenty-third, eighteen hundred and fifty-eight.

Also, substitute for Senate Bill No. 255—An Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island, Vallejo and Benicia.

H. H. HAIGHT,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 24th, 1870.

*To the Senate of the State of California:*

I have to inform your honorable body that I have appointed Charles E. McLane and Tyler Curtis, Commissioners, under the provisions of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to establish a paid Fire Department for the City and County of San Francisco, approved March second, eighteen hundred and sixty-six, and respectfully ask your honorable body to confirm the same.

H. H. HAIGHT,  
Governor.

On motion of Mr. Betge, the rules were suspended, and the Senate went into executive session for the consideration of the Governor's message, nominating Charles E. McLane and Tyler Curtis as Fire Commissioners for the City and County of San Francisco.



Upon the question, "Will the Senate advise and consent to the appointment of Charles E. McLane as Fire Commissioner?" the roll was called, with the following result:

**AYES**—Messrs. Banvard, Beach, Betge, Burnett, Chappell, Comte, Conly, Conn, Curtis, Farley, Fowler, Green, Gwin, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Murch, O'Connor, Orr, Pacheco, Pendegast, Perkins, Roberts, Saunders, Tompkins, Turner, Wand and Wing—36.

**NOES**—None.

Upon the question, "Will the Senate advise and consent to the appointment of Tyler Curtis as Fire Commissioner?" the roll was called, with the following result:

**AYES**—Messrs. Banvard, Beach, Betge, Burnett, Chappell, Comte, Conly, Conn, Curtis, Farley, Fowler, Green, Gwin, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, O'Connor, Pacheco, Pendegast, Perkins, Saunders, Tompkins, Turner, Wand and Wing—37.

**NOES**—Messrs. Murch and Orr—2.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor, vetoing Senate Bill No. 144:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 24th, 1870.

*To the Senate of the State of California :*

I herewith return to your honorable body, without my approval, Senate Bill No. 144—An Act to authorize William Vanderhurst, C. S. Abbott, James Houston, George Graves and James Bardin, their associates and assigns, to construct a railroad from the City of Monterey to the Town of Salinas with a branch road to the Pajaro River, near Watsonville.

This bill violates the principle already sanctioned by your honorable body, in reference to special legislation. It illustrates, also, the objections to this class of bills by a provision inserted in section one, which must have escaped attention when the bill was upon its passage. That section prohibits the construction of any other road within three miles of the one authorized by the bill, within twenty years; and, owing to the peculiar conformation of that region, I am informed that no competing road could be constructed in that direction if such a prohibition were enacted. The impropriety of such a provision is obvious, as soon as attention is called to it.

H. H. HAIGHT,  
Governor.

Upon the question, "Shall the bill become a law, notwithstanding the objection of the Governor?" the roll was called with the following result:

**AYES**—None.

**NOES**—Messrs. Banvard, Beach, Betge, Burnett, Chappell, Comte, Conly, Conn, Curtis, Farley, Fowler, Green, Gwin, Hunter, Hutchings,

Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Murch, O'Connor, Orr, Pacheco, Pendegast, Perkins, Saunders, Tompkins, Turner, Wand and Wing—35.

MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 24th, 1870. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate Bill No. 611—An Act to legalize certain applications for the purchase of lands belonging to this State.

H. H. HAIGHT,  
Governor.

REPORTS.

Mr. Lawrence made the following report :

MR. PRESIDENT: The delegation, to whom was referred Assembly Bill No. 507—An Act to authorize the Board of Supervisors of Merced County to levy a tax for road purposes and to direct the appropriation thereof—have had the same under consideration, and find that it is of a purely local character, providing for the building of a necessary road, by the levying of a tax upon the people of the county named in the bill; also, that it has received the consideration of, and been favorably reported, by the Assembly Committee on Roads and Highways.

For these reasons, your delegation recommend its immediate passage.

LAWRENCE, for Delegation.

On motion of Mr. Lawrence, the rules were suspended for the consideration of Assembly Bill No. 507, above reported.

The rules were further suspended, bill read a third time and passed.

Mr. Larkin, from the Committee on Corporations, made the following report :

MR. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 405—An Act to amend an Act entitled an Act to incorporate the Town of Union, approved February second, eighteen hundred and fifty-eight—have had the same under consideration and report the same back, recommending its passage.

LARKIN, for Committee.

The rules were suspended and Assembly Bill No. 405, above reported, read a third time and passed.

Mr. Conly verbally reported Assembly Bill No. 588 and recommended its passage.

The rules were suspended, bill read a third time and passed.

Mr. Mandeville verbally reported Assembly Bill No. 443 and recommended its passage.

The rules were suspended, bill read a third time and passed.

Mr. Tompkins, from the Committee on Counties and County Boundaries, made the following reports :

MR. PRESIDENT: The Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 442—An Act to create the County of Ventura, to establish the boundaries and to provide for its organization—have had the same under consideration, and being divided as to whether the Act is not premature, they report the same back without recommendation.

TOMPKINS, Chairman.

MR. PRESIDENT: The Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 169—An Act to create the County of San Benito, to define its boundaries and provide for its organization—have had the same under consideration, and being divided in opinion as to whether the time for the creation of said county has yet come, they report the same back without recommendation.

TOMPKINS, Chairman.

Mr. Pendegast, from the Committee on Commerce and Navigation, made the following report :

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 534—An Act to provide for the improvement of the water front of the City and County of San Francisco—report the same back with a substitute, and a majority of said committee recommend the passage of the substitute.

PENDEGAST, for Committee.

On motion of Mr. Pendegast, the rules were suspended for the consideration of Senate Bill No. 534, above reported.

The substitute reported by the committee was adopted.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

[President in the chair.]

Mr. Hager, from the Judiciary Committee, made the following report :

MR. PRESIDENT: The Judiciary Committee have had under consideration Senate Bill No. 113—An Act for the relief of Charles Welsh—and report the same back with a substitute, and recommend the adoption of the substitute and the passage of the same.

HAGER, Chairman.

Mr. Kincaid moved that Senate Bill No. 597 be placed at the head of the file for to-morrow.

Upon which the ayes and noes were demanded by Messrs. Roberts, Larkin and Lewis, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Betge, Burnett, Chappell, Comte, Conly, Conn, Fowler, Green, Hager, Irwin, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, Murch, Pacheco, Pendegast, Saunders, Tompkins, Wand and Wing—26.

**NOES**—Messrs. Curtis, Farley, Gwin, Hunter, Hutchings, Larkin, O'Connor, Perkins, Roberts and Turner—10.

On motion of Mr. Conn, the rules were suspended for the consideration of Senate Bill No. 113, above reported from the Judiciary Committee.

The rules were further suspended, bill considered engrossed, read a third time and passed.

Mr. Fowler verbally reported Assembly Bill No. 432, and recommended its indefinite postponement.

On motion, the rules were suspended, and the bill above reported was taken up.

Mr. Irwin moved to refer the bill to the Judiciary Committee.

Upon which the ayes and noes were demanded by Messrs. Fowler, Banvard and Minis, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Beach, Burnett, Chappell, Conn, Farley, Gwin, Irwin, Lawrence, Lewis, Maclay, Mandeville, Minis, Morrill, Murch, Pacheco, Perkins, Roberts, Wand and Wing—19.

**NOES**—Messrs. Banvard, Comte, Curtis, Fowler, Hager, Hunter, Hutchings, Larkin, McDougall, O'Connor, Pendegast, Tompkins and Turner—13.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

**MR. PRESIDENT:** The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 642—An Act to change the terms of the District Court of the Thirteenth Judicial District of the State of California, in and for the Counties of Tulare, Fresno and Mariposa.

Also, Senate Bill No. 211—An Act supplementary to an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight.

O'CONNOR, Chairman.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
March 23d, 1870. }

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on this day, adopted the report of the Committee of Conference on substitute for Assembly Bill No. 196—An Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six—and concurred in the amendment recommended by the said committee.

CRAWFORD,  
Assistant Clerk.

## REPORTS.

Mr. Hunter made the following report :

Mr. PRESIDENT: Your Committee of Conference on Assembly Bill No. 196, have had the same under consideration and respectfully make the following report :

The committee have agreed to strike out the County of Mono, wherever it occurs in the bill, and have agreed to the following substitute for Senate amendment in regard to the County of Los Angeles, viz: "and to all that portion of the County of Los Angeles included in the Precinct of Anaheim and Silver Precinct.

WILSON,  
Chairman Senate Committee.  
ROBINSON,  
Chairman Assembly Committee.

Adopted.

Mr Hutchings made the following report :

Mr. PRESIDENT: Your committee, to whom was referred Assembly Bill No. 463—An Act to authorize the Treasurer of Sutter County to transfer money from the General Fund to the Hospital Fund of said county—report favorably, and recommend its passage.

HUTCHINGS.

At five o'clock and five minutes P. M., on motion of Mr. Lawrence, the Senate adjourned.

## EVENING SESSION.

Senate met pursuant to adjournment.

President in the chair.

Roll called

Quorum present.

On motion of Mr. Mandeville, Senate took up consideration of Assembly messages.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
March 23d, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the eighteenth instant, passed Assembly Bill No. 652—An Act to divide the City of Oakland into wards, and to provide for the holding of elections therein.

And, on yesterday, adopted Senate Concurrent Resolution No. 56—Authorizing Enrolling Clerk to make correction in Senate Bill No. 550.

Also, Senate Concurrent Resolution No. 57—Requesting Governor to return Senate Bill No. 543.

Also, Senate Concurrent Resolution No. 58—Requesting return of Senate Bill No. 571, and I am instructed to inform the Senate that said Senate Bill No. 571 has not been received by the Assembly.

Also, passed Senate Bill No. 632—An Act concerning the offices of County Clerk and County Surveyor of the County of Los Angeles.

Also, amended and passed Senate Bill No. 584—An Act concerning street railroads.

Also, Senate Bill No. 613—An Act granting leave of absence to Thos. H. Holt, Auditor of the City and County of San Francisco.

Also, passed Senate Bill No. 500—An Act relative to the care and management of the State burial ground, and making an annual appropriation therefor.

Also, passed Senate Bill No. 306—An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers.

Also, Senate Bill No. 624—An Act to authorize the City of San José to sell certain bonds and use the proceeds thereof in purchasing sites for public school houses.

Also, Senate Bill No. 347—An Act to amend an Act entitled an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, courts and places in the said city.

Also, passed Senate Bill No. 57—An Act authorizing H. S. Sargent and others to lay down and maintain a railroad in the City of Stockton and County of San Joaquin.

Also, passed Senate Bill No. 233—An Act for the relief of Thomas T. Davenport, late County Collector of Nevada County.

And indefinitely postponed Senate Bill No. 570 and substitute for Senate Bill No. 361.

And also to return Assembly Bill No. 451, as requested by resolution of the Senate.

And that the Assembly has appointed, as Committee of Conference, Messrs. Robinson, Mooney and Fryer.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 23d, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 684—An Act amendatory of and supplementary to an Act entitled an Act to provide terminal depot grounds for the Terminal Central Pacific Railroad Company, approved March twenty-eighth, eighteen hundred and sixty-eight.

MOFFITT,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 23d, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Senate Bill No. 469—An Act authorizing the publication of certain legal notices in a State paper.

And, on to-day, passed Assembly Concurrent Resolution No. 61—Authorizing the Enrolling Clerk of the House to add a section to Assembly Bill No. 57.

Also, passed Senate Bill No. 618—An Act to grant leave of absence to the Surveyor-General and Register of the State Land Office.

Also, Senate Bill No. 611—An Act to legalize certain applications for the purchase of lands belonging to the State.

MOFFITT,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 23d, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Assembly Bill No. 432—An Act to authorize the construction of gas works and lay down gas pipes in the City of Oakland, County of Alameda.

Also, passed Senate Bill No. 541—An Act to provide for the construction of a wagon road from Redwood City to the Town of Pescadero, in the County of San Mateo, and other matters relating thereto.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 24th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-first day of March, passed Assembly Bill No. 591—An Act to incorporate the Town of Hornitos.

Also, Assembly Bill No. 624—An Act to separate the office of County Recorder from the office of County Clerk, in the County of Yolo.

Also, Assembly Bill No. 457—An Act to authorize the Board of Supervisors of the City and County of San Francisco to open and grade Market street in said city, from the intersection of said street with Valencia street to its intersection with Seventeenth street, and to condemn private property for the roadway of said street.

Also, Assembly Bill No. 622—An Act to encourage the building of railroads in the County of Contra Costa.

Also, Assembly Bill No. 271—An Act to divide the County of Colusa into assessment districts for the election of District Assessors, and define their duties, liabilities and compensation.

Also, Assembly Bill No. 682—An Act granting leave of absence to James B. Hume, Sheriff of El Dorado County.

Also, Assembly Bill No. 599—An Act to confer further powers on the Board of Supervisors of Mono County.

Also, Assembly Bill No. 675—An Act to provide for the construction of a tram railroad in the Counties of San Mateo and Santa Cruz.

And, on the twenty-second instant, passed Assembly Concurrent Resolution No. 39—Asking Congress to make an appropriation for building purposes on certain lands in San Francisco.

Also, Assembly Bill No. 194—An Act to authorize James A. Shipman, Henry A. Carter, Thomas M. Howell, their associates and assigns, to construct a railroad from Ione City, in Amador County, to a point at or near Galt, in Sacramento County.

Also, Assembly Bill No. 571—An Act granting leave of absence to A. P. Overton, District Attorney of Sonoma County.

Also, Senate Bill No. 11—An Act to grant to certain parties the right of way for a railroad track within the corporate limits of the City and County of San Francisco.

And, on yesterday, passed Senate Bill No. 262—An Act to authorize the claim of Mrs. Eliza McLane, for supplies furnished the State Marine Hospital in eighteen hundred and fifty-three and eighteen hundred and fifty-four.

Also, Senate Bill No. 588—An Act to authorize the Board of Supervisors of Yolo County to retain counsel to prosecute or defend proceedings in relation to claims against Swamp Land District Number Eighteen.

Also, Senate Bill No. 455—An Act to establish and maintain public pounds, for the better securing estray and other stock, in the several townships of the County of San Mateo.

Also, Senate Concurrent Resolution No. 58—Granting leave of absence to J. F. Eastman.

Also, Assembly Bill No. 669—An Act to provide for relocating the county seat of the County of Monterey.

Also, Assembly Bill No. 635—An Act to establish a State Normal School.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 24th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed substitute for Senate Bill No. 130—An Act conferring further powers upon the State Board and the Board of Tide Land Commissioners, named in and appointed under the Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 24th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Assembly Bill No. 482—An Act providing for the construction of a public road in Marin County.

Also, Assembly Bill No. 532—An Act granting to certain persons therein named the right to lay down and maintain a railroad track in the City and County of San Francisco, and the Counties of San Mateo and Santa Cruz, etc.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 24th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Assembly Bill No. 645—An Act to regulate fees of certain officers and salaries of certain officers in the County of San Luis Obispo.

Also, Assembly Bill No. 500—An Act authorizing the construction of a swing or draw bridge across San Antonio Creek, in the County of Alameda.

And, on this day, amended and passed Senate Bill No. 522—An Act making an appropriation for deficiency in the appropriation made for the twentieth and twenty-first fiscal years, ending July first, eighteen hundred and seventy.

CRAWFORD,  
Assistant Clerk.



ASSEMBLY CHAMBER,  
March 24th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed substitute for Senate Bill No. 447—An Act to make, open and establish a public street in the City and County of San Francisco, to be called Montgomery avenue, and to take private lands therefor.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 652, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Concurrent Resolution No. 61, above reported, read and laid on the table.

Substitute for Senate Bills Nos. 11 and 522, above reported, amendments made by the Assembly concurred in by the Senate.

Assembly Bill No. 682, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 634, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 599, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 685, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 669, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 571, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 645, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 482, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Concurrent Resolution No. 39, above reported, read first and second times, rules suspended, read a third time and adopted.

Assembly Bill No. 194, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 431, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 675, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 500, above reported, read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 532, above reported, read first and second times and referred to the delegations named in the bill.

Substitute for Senate Bill No. 584, above reported, amendments made by the Assembly concurred in by the Senate.

Assembly Bill No. 624, above reported, read first and second times and referred to the Yolo delegation.

Assembly Bill No. 271, above reported, read first and second times and referred to the Tehama delegation.

Assembly Bill No. 622, above reported, read first and second times and referred to the Contra Costa delegation.

Assembly Bill No. 591, above reported, read first and second times, rules suspended, bill read a third time and passed.

Assembly Bill No. 457, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 451, above reported, vote whereby said bill passed the Senate was reconsidered.

Bill considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

Senate Bill No. 469, above reported, Senate refuse to concur in the amendments made in the Assembly to said bill.

#### SPECIAL FILE.

On motion of Mr. Minis, the rules were suspended and Assembly Bill No. 144—An Act to locate the county seat of Lake—was taken up out of its order.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate, and bill read a third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs Lewis, Irwin and Banvard, and the bill was passed, by the following vote :

**AYES**—Messrs. Beach, Chappell, Comte, Fowler, Green, Gwin, Hager, Hunter, Larkin, Lawrence, Maclay, Mandeville, Minis, Morrill, Murch, Pacheco, Roberts, Saunders, Wand and Wing—20.

**NOES**—Messrs. Banvard, Betge, Burnett, Conly, Conn, Curtis, Farley, Hutchings, Irwin, Kincaid, Lewis, O'Connor, Orr, Perkins, Tompkins and Turner—16

On motion of Mr. Saunders, the rules were suspended for the consideration of Assembly Concurrent Resolution No. 61—Authorizing the Enrolling Clerk of the Assembly to correct Assembly Bill No. 57.

By unanimous consent, the resolution was adopted.

Pursuant to notice, Mr. Farley moved to reconsider the vote by which the Senate passed Assembly Bill No. 162.

Mr. Mandeville moved to indefinitely postpone the motion to reconsider.

Upon which the ayes and noes were demanded by Messrs. Farley, Minis and Irwin, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Betge, Chappell, Conly, Green, Hutchings, Irwin, Kincaid, Lawrence, Lewis, Maclay, Mandeville, Minis, Murch, Pacheco, Perkins, Roberts, Turner, Wand and Wing—20.

**NOES**—Messrs. Beach, Burnett, Comte, Conn, Farley, Fowler, Gwin, Hager, Hunter, Larkin, Morrill, O'Connor, Saunders and Tompkins—14.

Pursuant to notice, Mr. Mandeville moved to reconsider the vote by which Senate Bill No. 554 was passed.

On motion of Mr. Maclay, the motion to reconsider was indefinitely postponed.

On motion of Mr. Lawrence, the resolution introduced by himself on yesterday, and, under the rules, laid over one day, was taken up and adopted.

[President pro tem. in the chair.]

Assembly Bill No. 474—An Act further to define the powers and duties of the Sheriff of San Francisco.

Passed on file.

Assembly Bill No. 131—An Act to authorize James H. Thompson and William Stannas, their associates, successors and assigns, to build and maintain a wharf in the City of Vallejo, County of Solano.

Indefinitely postponed.

Assembly Bill No. 404—An Act to authorize the Board of Supervisors of Solano County to levy an additional road tax.

Read a third time and passed.

Assembly Bill No. 326—An Act to legalize the assessment of taxes in the County of Contra Costa for the fiscal years eighteen hundred and sixty-six, eighteen hundred and sixty-seven, eighteen hundred and sixty-eight and eighteen hundred and sixty-nine.

Read a third time and passed.

Assembly Bill No. 189—An Act to provide for a street railroad in the City and County of San Francisco.

Laid on the table.

Assembly Bill No. 336—An Act to legalize the acts and proceedings of the Mayor and Common Council of the City of Sonoma.

Read a third time and passed.

Assembly Bill No. 518—An Act to authorize the guardian of Walter Price, a minor, to sell the real estate of said minor..

Laid on the table.

Assembly Bill No. 411—An Act to alter and better define the corporate limits of the Town of Santa Rosa, in the County of Sonoma.

Read a third time and passed.

Assembly Bill No. 387—An Act to authorize the Mayor of the City and County of San Francisco to deed a certain lot of land in said city and county to the Trustees of the Associated Veterans of the Mexican War.

Read a third time and passed.

Mr. Minis gave notice that he would, on to-morrow, move to reconsider the vote by which Assembly Bill No. 144 was passed.

Assembly Bill No. 412—An Act to authorize the Mayor and Common Council of the City of Stockton to donate one hundred thousand dollars to the Stockton and Copperopolis Railroad Company.

Read a third time and passed.

Assembly Bill No. 459—An Act to authorize the Board of Supervisors of Sutter County to construct a bridge across the tule, at or near the point where the Stone Road now crosses said tule, and to collect tolls thereon.

Read a third time and passed.

Assembly Bill No. 229—An Act to legalize the survey of Clark's addition to the Town of Eureka.

Read a third time and passed.

Assembly Bill No. 521—An Act granting leave of absence to A. D. Witt, District Attorney of San Luis Obispo County.

Read a third time and passed.

Assembly Bill No. 455—An Act to provide for the location and laying out of a public road from Russian River, in Sonoma County, to Gualala River, in Sonoma County.

Read a third time and passed.

Assembly Concurrent Resolution No. 14—Asking donation of lands in Siskiyou County.

Read a third time and passed.

Assembly Bill No. 317—An Act to authorize the Board of Supervisors of the County of Sutter to enter upon, condemn and take possession of a certain tract of land in said county, to be used as a public graveyard. Passed on file.

Assembly Bill No. 499—An Act to grant the right to convey water in pipes to supply the inhabitants of the Town of Oroville.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

Assembly Bill No. 178—An Act to ratify and confirm a certain ordinance of the City and County of San Francisco and proceedings thereunder.

Mr. Conly moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Wand, Banvard and Hunter, and the Senate so ordered, by the following vote:

AYES—Messrs. Beach, Betge, Burnett, Chappell, Conly, Green, Hunter, Hutchings, Irwin, Larkin, Lawrence, Lewis, Mandeville, Morrill, Murch, Pendegast, Perkins, Roberts, Saunders, Tompkins, Turner and Wand—22.

NOES—Messrs. Banvard, Comte, Conn, Farley, Fowler and O'Conno—6.

Mr. Wand gave notice that he would, on to-morrow, move to reconsider the vote by which Assembly Bill No. 178 was indefinitely postponed.

At ten o'clock and twenty minutes P. M., on motion of Mr. Mandeville the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Friday, March 25th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read, and amended to show that Mr. Curtis moved to indefinitely postpone the motion of Mr. Lewis to reconsider the vote by which the Senate passed Senate Bill No. 559, and that the motion to indefinitely postpone was, on motion, laid on the table.

The Journal, as corrected, was approved.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 480—An Act to create a Board of Public Works in the City and County of San Francisco.

Also, Senate Bill No. 559—An Act to empower the Counties of Yolo, Colusa and Tehama to aid in the construction of a railroad in said counties

Also, Senate Bill No. 534—An Act to provide for the improvement of the water front of the City and County of San Francisco.

Also, Senate Bill No. 390—An Act supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons.

Also, substitute for Senate Bill No. 113—An Act for the relief of Charles Welsh.

O'CONNOR, Chairman.

Mr. Roberts, from the Judiciary Committee, made the following report :

Mr. PRESIDENT: The undersigned, members of the Judiciary Committee, having had under consideration Assembly Bill No. 263—An Act for the relief of certain settlers on the outside lands of the City and County of San Francisco—report the same back without recommendation.

PENDEGAST,  
TOMPKINS,  
LEWIS,  
FARLEY,  
COMTE,  
CURTIS,  
KINCAID,  
ROBERTS,  
TWEED.

## GENERAL FILE.

Assembly Bill No. 120—An Act to amend an Act entitled an Act to authorize the Board of Supervisors of the several counties of this State

to grant the right to construct wharves on the overflowed and submerged lands of this State, approved April eighth, eighteen hundred and fifty-eight.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

Assembly Bill No. 218—An Act to amend an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one.

Read a third time and passed.

Senate Bill No. 597—An Act to relieve owners of encumbered real estate from double taxation.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

[Mr. Mandeville in the chair.]

Mr. Comte offered the following amendment: Strike out section one, and in lieu thereof insert the following: "Sec. 1. No mortgage or lien given or held upon real estate, or the debts thereby secured, shall be assessed upon the books of any Assessor, State, County or otherwise"

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Comte, Maclay and Hunter, and the Senate refused, by the following vote:

**AYES**—Messrs. Banvard, Beach, Burnett, Comte, Conn, Curtis, Farley, Fowler, Gwin, Hunter, Hutchings, Irwin, Larkin, Lewis, Minis, March, O'Connor, Orr and Perkins—19.

**NOES**—Messrs. Betge, Chappell, Conly, Green, Hager, Kincaid, Lawrence, Maclay, Mandeville, McDougall, Morrill, Pacheco, Pendegast, Roberts, Saunders, Tompkins, Turner, Wand and Wing—19.

Mr. Wand moved the previous question, which was seconded by Messrs. Pendegast, Betge and Maclay.

Upon the question, "Shall the main question be now put?" the ayes and noes were demanded by Messrs. Lewis, Betge and Larkin, and the Senate refused, by the following vote:

**AYES**—Messrs. Betge, Burnett, Chappell, Conly, Green, Kincaid, Lawrence, Maclay, McDougall, Morrill, Pacheco, Pendegast, Saunders, Tompkins, Wand and Wing—16.

**NOES**—Messrs. Banvard, Beach, Comte, Conn, Curtis, Farley, Fowler, Gwin, Hager, Hunter, Hutchings, Irwin, Larkin, Lewis, Mandeville, Minis, Murch, O'Connor, Orr, Perkins, Roberts and Turner—22.

Mr. Comte offered the following amendment: Strike out section one, and in lieu thereof insert as follows: "Sec. 1. No mortgage or lien given or held upon real estate, or the debts thereby secured, or promissory notes or other evidences of indebtedness, shall be assessed upon the books of any Assessor, State, County or otherwise"

Mr. Kincaid offered the following substitute for the amendment proposed by Mr. Comte: Amend section one by inserting after the word

"secured," line three, the words "or promissory notes or other evidences of indebtedness, whether so secured or not."

Upon the adoption of the substitute, the ayes and noes were demanded by Messrs. Comte, Larkin and Hunter, and the Senate refused, by the following vote :

**AYES**—Messrs. Betge, Burnett, Chappell, Conly, Fowler, Green, Hager, Kincaid, Maclay, Mandeville, McDougall, Morrill, Pacheco, Pendegast, Saunders, Tompkins, Wand and Wing—18.

**NOES**—Messrs. Banvard, Beach, Comte, Conn, Curtis, Farley, Gwin, Hunter, Hutchings, Irwin, Larkin, Lawrence, Lewis, Minis, Murch, O'Connor, Orr, Perkins, Roberts, Turner and Tweed—21.

Upon the adoption of the amendment proposed by Mr. Comte, the ayes and noes were demanded by Messrs. Hunter, Comte and Larkin, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Beach, Comte, Conn, Curtis, Farley, Fowler, Gwin, Hunter, Hutchings, Irwin, Larkin, Lewis, Minis, Murch, O'Connor, Orr, Perkins, Turher and Tweed—20.

**NOES**—Messrs. Betge, Burnett, Chappell, Conly, Green, Hager, Kincaid, Lawrence, Maclay, Mandeville, McDougall, Morrill, Pacheco, Pendegast, Roberts, Saunders, Tompkins, Wand and Wing—19.

On motion of Mr. Hager, the roll was recalled upon the adoption of the amendment proposed by Mr. Comte, with the following result :

**AYES**—Messrs. Banvard, Beach, Burnett, Comte, Conn, Curtis, Farley, Fowler, Gwin, Hunter, Hutchings, Irwin, Larkin, Lewis, Minis, Murch, O'Connor, Orr, Perkins, Turner and Tweed—21.

**NOES**—Messrs. Betge, Chappell, Conly, Green, Hager, Kincaid, Lawrence, Maclay, Mandeville, McDougall, Morrill, Pacheco, Pendegast, Roberts, Saunders, Tompkins, Wand and Wing—18.

Mr. Lewis moved to suspend the rules that the bill may be considered engrossed and read a third time.

Upon which the ayes and noes were demanded by Messrs. Comte, Lewis and Larkin, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Beach, Betge, Burnett, Chappell, Comte, Conly, Conn, Curtis, Farley, Fowler, Green, Gwin, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, Murch, O'Connor, Orr, Pacheco, Pendegast, Perkins, Saunders, Tompkins and Tweed—35.

**NOES**—Messrs. Roberts, Turner and Wand—3.

The bill was read a third time and passed ; title amended and amendment adopted.

#### SPECIAL ORDER.

Senate Bill No. 506—An Act to authorize the sale of certain salt marsh and tide lands in the County of Marin.

[Mr. Farley in the chair.]

Amendments made in Committee of the Whole to Senate Bill No. 506 concurred in by the Senate.

Mr. Green moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Green, Burnett and Irwin, and the Senate refused, by the following vote:

**AYES**—Messrs. Banvard, Betge, Burnett, Chappell, Curtis, Farley, Green, Hunter, Hutchings, Irwin, Larkin, Lawrence and Tompkins—13.

**NOES**—Messrs. Comte, Conly, Fowler, Gwin, Lewis, Maclay, Mandeville, Minis, Morrill, O'Connor, Orr, Pendegast, Perkins, Roberts, Wand and Wing—16.

The bill was ordered engrossed.

#### REPORTS.

Mr. Morrill, from the Committee on Enrolment, made the following reports:

**MR. PRESIDENT:** Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 416—An Act amendatory of and supplemental to an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three, and the Acts amendatory thereof and supplemental thereto.

Also, Senate Bill No. 307—An Act to provide for the sale and conveyance of certain submerged land in the City and County of San Francisco to H. B. Tichenor.

Also, Senate Resolution No. 56—Correcting Senate Bill No. 550, with bill corrected according to resolution.

Also, Senate Bill No. 185—An Act to provide for the reclamation of swamp, salt marsh and other overflowed lands.

And this day, at ten o'clock A. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

**MR. PRESIDENT:** Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 183—An Act in relation to the office of State Geologist.

Also, Senate Bill No. 547—An Act to appropriate funds for the relief of the several orphan asylums.

Also, Senate Bill No. 528—An Act to authorize a tax to be levied upon the taxable property of Red Bluff School District, Tehama County, for building purposes.

Also, Senate Bill No. 604—An Act entitled an Act to amend an Act entitled an Act in reference to library associations, approved April twenty-seventh, eighteen hundred and sixty-three.

Also, Senate Bill No. 485—An Act concerning roads and highways in Sierra Township, County of Sierra.

Also, Senate Bill No. 605—An Act extending the authority of E. L. Craig, late District Attorney of the County of Placer, in the prosecution and defence of certain actions and proceedings, and other matters relating thereto.

Also, Senate Bill No. 20—An Act to provide for the payment of the State's portion of the salary of the County Auditor of Fresno County.



Also, substitute for Senate Bill No. 327—An Act to authorize the State Librarian to appoint an additional deputy and fix the compensation therefor.

And this day, at twelve o'clock M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 611—An Act to legalize certain applications for the purchase of lands belonging to this State.

And this day, at twelve o'clock and forty minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 632—An Act concerning the offices of County Clerk and County Surveyor of the County of Los Angeles.

Also, Senate Bill No. 577—An Act to create a Redemption Fund and to provide means for defraying the expenses of the County of El Dorado.

Also, Senate Bill No. 606—An Act to repeal an Act entitled an Act to incorporate the Town of Columbia.

Also, Senate Bill No. 347—An Act to amend an Act entitled an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, etc.

Also, Senate Bill No. 306—An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

And this day, at two o'clock and fifty minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 202—An Act to authorize the payment of the claim of Mrs. Eliza McLane, for supplies furnished the State Marine Hospital, in eighteen hundred and fifty-three and eighteen hundred and fifty-four.

Also, Senate Resolution No. 57—Relative to return of Senate Bill No. 543.

And this day, at eleven o'clock A. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

#### RESOLUTION.

By Mr. O'Connor:

*Resolved* by the Senate, the Assembly concurring, That the Enrolling Clerk of the Senate be authorized to insert the words "or she" after the word "he," in line fifteen of section six of an Act entitled an Act providing for the adoption of minors and the legitimizing of children born out of wedlock.

Adopted.

Mr. Curtis verbally reported Assembly Bill No. 542, and recommended its reference to the San Francisco delegation.

At four o'clock and fifty-five minutes P. M., on motion of Mr. Mandeville, the Senate adjourned.

#### EVENING SESSION.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

#### INTRODUCTION OF BILLS.

The rules were suspended to introduce the following bills:

By Mr. Chappell—An Act to provide for the payment of the salary of certain officers in the County of Shasta.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Hager—An Act creating a Water Board and providing for a Board of Water Commissioners in the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Betge—An Act to provide for the compulsory education of the youth of California.

Read first and second times and referred to the Committee on Education.

#### REPORTS.

Mr. Tompkins, from the Alameda delegation, made the following report:

Mr. PRESIDENT: The Alameda delegation, to whom was referred Assembly Bill No. 365—An Act to amend an Act concerning roads and highways in the County of Alameda, approved March twenty-fourth, eighteen hundred and sixty-two—have considered the same, and now report it back and recommend its passage.

TOMPKINS, for Delegation.

The rules were suspended and Assembly Bill No. 365, above reported, read a third time and passed.

Mr. Green made the following report:

Mr. PRESIDENT: Your special committee, to whom was referred Assembly Bill No. 650—An Act to authorize the Board of Supervisors of Marin County to transfer certain funds—have had the same under consideration, and report the same back and recommend the passage of the same.

GREEN, for Committee.

The rules were suspended and Assembly Bill No. 650, above reported, read a third time and passed.

Mr. Minis verbally reported Assembly Bill No. 424, and recommended its passage.

The rules were suspended, and bill above reported read a third time and passed.

Mr. Pacheco verbally reported Assembly Bill No. 546, and recommended its passage

The rules were suspended and Assembly Bill No. 546, above reported, read a third time and passed.

Mr. Conn, from the San Diego delegation, made the following report :

Mr. PRESIDENT: Your committee (the San Diego delegation), to whom was referred Assembly Bill No. 444—An Act to authorize the issue of bonds by the County of San Diego to erect county buildings and to obtain a site therefor—having had the same under consideration, beg leave to report the same back, with accompanying amendments, and recommend its passage as amended.

CONN, for Delegation.

On motion, the rules were suspended for the consideration of Assembly Bill No. 444, above reported.

Amendments proposed by the delegation adopted, bill read a third time and passed; title amended and amendment adopted.

Mr. Burnett, from the Sonoma delegation, made the following report :

Mr. PRESIDENT: The Sonoma County delegation, to whom was referred Assembly Bill No. 497—An Act conferring certain powers upon the Sonoma College Association—report the same back and recommend its passage.

BURNETT, for Delegation.

#### INTRODUCTION OF BILLS.

Bills were introduced (on leave) as follows :

By Mr. Banvard—An Act granting certain property to the County of Sacramento.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Beach—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the liquidation and payment of the indebtedness of the City of Marysville, in Yuba County, and for other purposes, approved March tenth, eighteen hundred and sixty-eight.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Roberts—An Act to amend an Act entitled an Act requiring compensation for causing death by wrongful act, neglect or default, approved April twenty-sixth, eighteen hundred and sixty-two.

Read first and second times and referred to the Judiciary Committee.

By Mr. Saunders—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco.

Read first and second times and referred to the San Francisco delegation.

By Mr. Wand—An Act for the protection of game imported into this State by the Ornithological and Piscatorial Acclimatizing Society of California

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Tompkins—An Act to provide the Institution for the Deaf and Dumb and the Blind with a geological and mineral cabinet.

Read first and second times, rules suspended, bill considered in Committee of the Whole and amended.

## IN SENATE.

Amendments of Committee concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Orr—An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, and an Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three.

Read first and second times and referred to the Committee on Corporations.

## REPORTS.

Mr. Lawrence made the following report:

MR. PRESIDENT: The delegation to whom was referred Senate Bill No. 639—An Act to create the County of Oristimbo—have had the same under consideration, and have investigated the facts connected therewith. We find that the creation of the proposed county, in conformity with the boundaries as indicated in section one of the bill, is petitioned for by the actual residents and taxpayers of the territory almost unanimously. Its geographical location appears to be favorable for an independent county organization. It is rapidly filling up with a permanent population. Its distance from the respective county seats of Stanislaus, Merced and Fresno subjects the people to great inconvenience, and for three months in the year, the crossing of the San Joaquin (in order to reach either of the said county seats) is attended with difficulty and danger. For these reasons and as it is also represented by the petitioners that they are abundantly able to maintain a county organization, we therefore report the bill back and recommend its passage.

LAWRENCE,  
FOWLER.

On motion of Mr. Lawrence, the rules were suspended for the consideration of Senate Bill No. 639, above reported.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Green made the following report:

MR. PRESIDENT: Your committee, to whom was referred Assembly Bill No. 622—An Act to encourage the building of railroads in the County of Contra Costa—have had the same under consideration, and report the same back and recommend its passage.

GREEN, for Committee.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

MR. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 554—An Act to extend the time allowed to the Southern Pacific Railroad Company and the Western Pacific Railroad Company in which to make the terminus of their roads upon certain lands donated to them by the State for that purpose, in the City and County of San Francisco.

Also, substitute for Senate Bill No. 62—An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one.

O'CONNOR, Chairman.

Mr. McDougall verbally reported Senate Bill No. 635, and recommended its passage.

SPECIAL FILE.

Senate Bill No. 128—An Act to legalize and confirm certain grants and sales of town lands by the Board of Trustees of the Town of Santa Barbara and by the Mayor and Common Council of the City of Santa Barbara, made since the passage of the Act of May fourteenth, eighteen hundred and sixty-one.

Considered in Committee of the Whole and amended.

IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

The rules were suspended and Mr. Pendegast had leave to make the following report:

Mr. PRESIDENT: The Humboldt and Mendocino delegations have carefully considered Assembly Bill No. 487, and report the same back and recommend its passage.

PENDEGAST,  
MURCH.

The rules were suspended and Assembly Bill No. 487 was read a third time and passed.

Mr. Lawrence had leave to introduce the following bill—An Act providing for the drainage and reclamation of certain lands, and navigation between certain places.

Read first and second times and referred to the Committee on Swamp and Overflowed Lands.

Mr. Comte verbally reported Assembly Bill No. 679, and recommended its passage.

The rules were suspended, bill read a third time and passed.

[President pro tem. in the chair.]

Assembly Bill No. 474—An Act further to define the powers and duties of the Sheriff of San Francisco.

Read a third time and passed.

Assembly Bill No. 317—An Act to authorize the Board of Supervisors of the County of Sutter to enter upon, condemn and take possession of a certain tract of land in said county to be used as a public graveyard.

Read a third time and passed.

Senate Bill No. 406—An Act supplemental to an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets.

Substitute reported by the Judiciary Committee adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 223—An Act to provide for the improvement of public parks in the City of San Francisco.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Mr. Roberts moved to amend the bill by striking out, in lines eight and nine of printed bill, in section ten, the words "the holders of such bonds shall not be liable to be taxed thereon for municipal or State taxes."

Upon the adoption of which, the ayes and noes were demanded by Messrs. Roberts, Hunter and Minis, and the Senate refused, by the following vote:

**AYES**—Messrs. Banvard, Beach, Chappell, Conn, Green, Lawrence, Lewis, Minis, Murch, O'Connor, Orr, Perkins, Roberts, Tompkins, Turner and Wing—16.

**NOES**—Messrs. Betge, Burnett, Comte, Curtis, Farley, Fowler, Hager, Hunter, Irwin, Kincaid, Larkin, Maclay, Mandeville, McDougall, Pendegast, Saunders and Wand—17.

The rules were suspended, bill considered engrossed, read a third time and passed.

Mr. Kincaid moved to suspend the rules for the consideration of Senate Bill No. 555.

Upon which the ayes and noes were demanded by Messrs. Kincaid, Comte and Beach, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Beach, Betge, Chappell, Comte, Conly, Curtis, Green, Gwin, Hutchings, Irwin, Kincaid, Lawrence, Lewis, Maclay, McDougall, Minis, Morrill, Orr, Pacheco, Perkins, Roberts, Saunders, Tompkins, Turner and Wing—26.

**NOES**—Messrs. Burnett, Conn, Fowler, Hunter, Larkin, Mandeville, Murch, O'Connor and Wand—9.

Senate Bill No. 555—An Act to authorize the Board of Supervisors of the Counties of San Mateo and Santa Clara to donate certain railroad stock to the Southern Pacific Railroad Company.

Mr. Kincaid moved to further suspend the rules, consider the bill engrossed, and place the same on its passage.

Upon which the ayes and noes were demanded by Messrs. Mandeville, Kincaid and Maclay, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Beach, Betge, Burnett, Chappell, Comte, Conly, Conn, Curtis, Green, Gwin, Hager, Hutchings, Irwin, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murch, Orr, Pendegast, Perkins, Roberts, Saunders, Tompkins, Turner and Wing—28.

**NOES**—Messrs. Fowler, Hunter, Larkin, Lewis, Mandeville, O'Connor and Wand—7.

The bill was read a third time and passed.

On motion of Mr. Pendegast, the rules were suspended and Assembly Bill No. 548—An Act to authorize the Saucelito Land and Ferry Company to establish and maintain a public ferry between Marin County and the City and County of San Francisco—was taken up out of its order

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

Mr. Minis verbally reported substitute for Assembly Bill No. 167, and recommended its passage.

Pursuant to notice, Mr. Wand moved to reconsider the vote by which Assembly Bill No. 178 was indefinitely postponed

Upon motion of Mr. Roberts, the motion to reconsider was made the special order for Friday next, at two o'clock P. M.

#### MOTIONS, RESOLUTIONS AND NOTICES.

*Resolved*, That no motion shall be entertained during the consideration of the special file, other than that which relates to the bills in rotation on the file.

Adopted.

Mr. Roberts having given notice of a motion to reconsider the vote by which Assembly Bill No. 677 was passed, had leave to withdraw said notice; and also had leave to have his name recorded as voting against said bill.

Pursuant to notice, Mr. Minis moved to reconsider the vote by which Assembly Bill No. 144 was passed.

On motion of Mr. Farley, the motion to reconsider was indefinitely postponed.

Messrs. Larkin and Maclay each gave notice that they would, on to-morrow, move to reconsider the vote by which Senate Bill No. 555 was passed.

At ten o'clock and ten minutes P. M., on motion of Mr. Green, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate

## IN SENATE.

SENATE CHAMBER,  
Saturday, March 26th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## RESOLUTION.

By Mr. Tompkins :

*Resolved*, That the Assembly be respectfully requested to return to the Senate Assembly Bill No. 500, the same having been indorsed as passed by the Senate, by mistake.

Adopted.

## REPORTS.

Mr. Saunders, from the San Francisco delegation, made the following reports :

Mr. PRESIDENT : The San Francisco delegation, to whom was referred Senate Bill No. 483—An Act to authorize the Superintendent of Public Streets, Highways and Squares of San Francisco to issue an assessment to Michael Conniff for street work done by him—having duly considered the same, report the same back to the Senate, with the following amendment: In section one, line four, page two, strike out the words "and directed," and recommend that the bill pass as amended.

Having considered Assembly Bill No. 97—An Act relating to the Home of the Inebriate of San Francisco, and to prescribe the powers and duties of the Board of Managers and the officers thereof—report the same back to the Senate with the following amendment: Strike out, in section four, line two, page two, commencing with the word "a," all down to and including the word "associations," in same section, line three, page three, and insert in lieu thereof the word "power," and recommend that the bill, as amended, pass.

SAUNDERS, for Delegation.

Mr. PRESIDENT : The San Francisco delegation, to whom was referred Senate Bill No. 614—An Act to establish and define the powers and duties of the Secretary of the Board of Education of the City and County of San Francisco—have had the same under consideration, and beg leave to report the same back to the Senate with amendments, and recommend that the amendments be adopted and that the bill pass as amended.

SAUNDERS, for Delegation.

Mr. PRESIDENT : The San Francisco delegation, to whom was referred Assembly Bill No. 457—An Act to authorize the Board of Supervisors of the City and County of San Francisco to open and grade Market



street in said city, from the intersection of said street with Valencia street to its intersection with Seventeenth street, and to condemn private property for the roadway of said street—have had the same under consideration, and beg leave to report the same back to the Senate and respectfully recommend its passage.

WAND,  
BETGE,  
KINCAID.

**Mr. PRESIDENT :** A majority of the San Francisco delegation, to whom was referred Assembly Bill No. 362—An Act to regulate the distribution of the Police Fund of the City and County of San Francisco—have had the same under consideration and report the bill back to the Senate with an amendment, and recommend that the amendment be adopted and the bill pass as amended.

Also, Assembly Bill No. 282—An Act concerning certain ordinances of the Board of Supervisors of the City and County of San Francisco and other matters—have duly considered the same and report the bill back to the Senate without recommendation.

Also, Assembly Bill No. 433—An Act to amend section nine of an Act entitled an Act to amend an Act entitled an Act amendatory of article fourth of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, repealing sections thirty-six to sixty-four, inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said article four, approved the twenty-fifth day of April, eighteen hundred and sixty-two, approved March twenty-sixth, A. D. eighteen hundred and sixty-eight—having considered the same, report the bill back and recommend its passage.

And having considered Assembly Bill No. 558—An Act to provide for the construction of a street railroad within the City and County of San Francisco—report the same back to the Senate without recommendation.

SAUNDERS, for Delegation.

**Mr. PRESIDENT :** The San Francisco delegation, to whom was referred Assembly Bill No. 648—An Act to confer further powers on the Mayor of the City and County of San Francisco; also, Assembly Bill No. 361—An Act for the relief of T. D. Murphy, W. D. Murphy, G. E. Nottage, S. Malloy, M. J. Bolan, Courtland Wood, Henry J. Quinn and Ira D. Thompson, all of the City and County of San Francisco—have had the same under consideration, respectfully report the same back to the Senate and recommend their passage.

Also, Assembly Bill No. 187—An Act concerning the office of the County Clerk of the City and County of San Francisco—having duly considered the same, report the bill back and recommend its passage.

SAUNDERS, for Delegation.

**Mr. Saunders,** from the Committee on Corporations, made the following report :

**Mr. PRESIDENT :** The Committee on Corporations, to whom was referred Assembly Bill No. 568—An Act to incorporate the Town of Brooklyn and

to define and establish the boundary line between said town and the City of Oakland—have had the same under consideration, report the bill back with amendments, and the majority of the committee recommend its passage as amended.

Also, Assembly Bill No. 652—An Act to divide the City of Oakland into wards and to provide for the holding of elections therein—report the same back without recommendation.

Also, Assembly Bill No. 613—An Act to incorporate the Fire Department of the City of San José—report the same back and recommend that it be passed.

Also, Senate Bill No. 508—An Act to authorize William B. Swearingen, his associates and assigns, to construct and keep a turnpike or wagon road in the Counties of Siskiyou and Lassen, in this State—report the same back without recommendation.

Also, Senate Bill No. 566—An Act to provide for the formation of corporations for certain purposes—report the same back with the recommendation that it be passed.

Also, Assembly Bill No. 291—An Act amendatory of and supplementary to an Act to incorporate the City of Nevada, approved April nineteenth, eighteen hundred and fifty-six—report the same back and recommend that it be passed.

SAUNDERS, Chairman.

[Mr. Farley in the chair.]

On motion of Mr. Irwin, the vote by which the motion to indefinitely postpone the motion to reconsider the vote by which Senate Bill No. 559 was passed was taken from the table.

Mr. Irwin moved to indefinitely postpone the motion to reconsider.

Upon which the ayes and noes were demanded by Messrs. Lewis, Irwin and Curtis, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Betge, Comte, Conly, Curtis, Green, Gwin, Hunter, Hutchings, Irwin, Maclay, Mandeville, McDougall, Minis, Morrill, Murch, Orr, Pacheco, Pendegast, Roberts, Tompkins, Wilson and Wing—23.

**NOES**—Messrs. Farley, Hager, Lawrence, Lewis, O'Connor, Perkins and Turner—7.

#### PETITION.

By Mr. Beach—From citizens of Yuba County, against the passage of any bill providing for holding a special election in said county on the fourth Tuesday of May, eighteen hundred and seventy.

Read and laid on the table.

#### REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

**MR. PRESIDENT:** The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 597—An Act to prevent double taxation.

Also, Senate Bill No. 128—An Act to legalize and confirm certain grants and sales of town lands by the Board of Trustees of the Town of Santa Barbara and by the Mayor and Common Council of the City of

Santa Barbara, made since the passage of the Act of March thirty-first, eighteen hundred and sixty-six.

Also, Senate Bill No. 406—An Act supplemental to an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets, approved March thirtieth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 228—An Act to provide for the improvement of public parks in the City of San Francisco.

Also, Senate Bill No. 614—An Act to provide for the payment of the salary of certain officers in the County of Shasta.

Also, Senate Bill No. 506—An Act to authorize the sale of certain salt marsh and tide lands in the County of Marin.

O'CONNOR, Chairman.

Mr. Orr verbally reported Assembly Bill No. 356, and recommended its passage.

On motion of Mr. Orr, the rules were suspended for the consideration of Assembly Bill No. 356, above reported.

The bill was read a third time and passed.

Mr. Perkins verbally reported a substitute for Senate Bill No. 629, and recommended its passage.

The substitute was adopted.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

Mr. Curtis, from the Committee on Claims, made the following report :

MR. PRESIDENT: The Committee on Claims have considered Senate Bill No. 348—An Act for the relief of the County of Calaveras; also, Senate Bill No. 470—An Act to authorize the payment of certain claims against the State; also, Senate Bill No. 617—An Act for the relief of Wm. B. Norman and A. C. Bradford—and report the same back and recommend that they do not pass.

CURTIS, Chairman.

Mr. Wilson verbally reported Assembly Bill No. 219, and recommended its passage.

The rules were suspended, bill read a third time and passed.

Mr. McDougall verbally reported Assembly Bill No. 561, and recommended its passage.

The rules were suspended, bill read a third time and passed.

Mr. Saunders moved to suspend the rules for the purpose of introducing a resolution.

Upon which the ayes and noes were demanded by Messrs. Banvard, Irwin and Green, and the Senate refused, by the following vote :

AYES—Messrs. Betgo, Chappell, Conly, Farley, Fowler, Gwin, Hunter, Irwin, Kincaid, Larkin, Lewis, Maclay, Minis, Morrill, O'Connor, Pacheco, Perkins, Saunders, Tompkins, Wand and Wilson—21.

NOES—Messrs. Banvard, Beach, Comte, Curtis, Green, Hager, Lawrence, Mandeville, McDougall, Murch, Pendegast, Roberts, Turner and Wing—14.

Mr. Lewis moved to adjourn until Monday next, at two and a half o'clock p. m.

Upon which the ayes and noes were demanded by Messrs. Murch, Chappell and Green, and the Senate refused, by the following vote :

**AYES**—Messrs. Betge, Chappell, Conly, Conn, Curtis, Fowler, Green, Gwin, Hunter, Kincaid, Lewis, Maclay, McDougall, Pacheco, Perkins, Saunders, Tompkins and Wilson—18.

**NOES**—Messrs. Banvard, Beach, Comte, Farley, Hager, Irwin, Larkin, Lawrence, Mandeville, Minis, Morrill, Murch, O'Connor, Pendegast, Roberts, Turner, Wand and Wing—18.

Messrs. Tweed and Burnett were granted leave of absence for one day. Mr. Gwin verbally reported Assembly Bill No. 572, without recommendation.

Mr. McDougall made the following report :

**MR. PRESIDENT :** Your Committee of Conference on Assembly Bill No. 324—An Act concerning estrays and animals found running at large in the County of Santa Cruz—recommend that the Senate recede from its amendment, inserting in the bill “Chino Township, in San Bernardino County.”

McDOUGALL, for Committee.

Mr. Kincaid verbally reported Assembly Bill No. 353, and recommended its passage

Mr. Kincaid moved to suspend the rules for the consideration of Assembly Bill No. 353, above reported.

Upon which the ayes and noes were demanded by Messrs. Kincaid, Minis and Wand, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Burnett, Comte, Conly, Conn, Curtis, Farley, Fowler, Hager, Hunter, Irwin, Kincaid, Lawrence, Lewis, Maclay, McDougall, Minis, O'Connor, Pacheco, Pendegast, Perkins, Roberts, Saunders, Tompkins, Turner, Wand, Wilson and Wing—28.

**NOES**—Messrs. Green and Larkin—2.

The bill was read a third time and passed.

[President in the chair.]

Mr. Hager, from the Judiciary Committee, made the following report :

**MR. PRESIDENT :** The Committee on Judiciary have had under consideration Assembly Bill No. 294—An Act to authorize and empower Joshua A. Neal to sell and convey all the interest, property and estate of Maria Neal and Josefa Neal, minor children of said Joshua A. Neal and his deceased wife, Angela Bernal Neal, in certain lands in Alameda County—and report the same back with amendments, and recommend the adoption of the amendments and the passage of the bill as amended.

HAGER, Chairman.

Mr. Conn verbally reported Assembly Bill No. 232, and recommended its reference to the Committee on Corporations.

At twelve o'clock and fifty-five minutes P. M., Mr. Tompkins moved to adjourn until Monday next, at two o'clock and thirty minutes P. M.

Upon which the ayes and noes were demanded by Messrs. Larkin, Green and Tompkins, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Beach, Chappell, Conly, Conn, Fowler, Green, Gwin, Hunter, Hutchings, Irwin, Kincaid, Lewis, Maclay, McDougall, Minis, O'Connor, Pacheco, Saunders, Tompkins, Wilson and Wing—23.

**NOES**—Messrs. Comte, Curtis, Hager, Larkin, Lawrence, Murch, Roberts, Turner and Wand—9.

**WILLIAM HOLDEN,**  
President of the Senate.

Attest: **JOSEPH ROBERTS, Jr.,** Secretary of Senate.

## IN SENATE.

**SENATE CHAMBER,**  
Monday, March 28th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of Saturday read and approved.

## REPORT.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

**MR. PRESIDENT:** The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 647—An Act granting certain property to the County of Sacramento.

Also, Senate Bill No. 639—An Act to create the County of Oristimbo and define its boundaries.

Also, Senate Bill No. 648—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the liquidation and payment of the indebtedness of the City of Marysville, in Yuba County, and for other purposes, approved February fifth, eighteen hundred and sixty-eight, approved March tenth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 555—An Act to authorize the Boards of Supervisors of the Counties of San Mateo and Santa Clara to donate certain railroad stocks to the Southern Pacific Railroad Company, to aid in the construction of the road of said company.

**O'CONNOR, Chairman.**

## PETITION.

By Mr. Comte—From citizens of Sacramento, relative to the bridge over the Sacramento River, between Sacramento and Washington.

Referred to the Sacramento and Yolo delegations.

## REPORTS.

Mr. Mandeville verbally reported Assembly Bill No. 85 without recommendation.

Mr. Lewis moved to place the bill at the top of the general file for to-morrow.

Upon which the ayes and noes were demanded by Messrs. O'Connor, Lewis and Lawrence, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Betge, Burnett, Comte, Conn, Curtis, Farley, Fowler, Hager, Hunter, Hutchings, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, O'Connor, Pendegast, Saunders, Tompkins, Wand and Wilson—25.

**NOES**—Messrs. Beach, Conly, Murch, Orr, Pacheco, Perkins, Roberts, Turner, Tweed and Wing—10.

Mr. Morrill, from the Committee on Enrolment, made the following report:

**MR. PRESIDENT:** Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled substitute for Senate Bill No. 447—An Act to make, open and establish a public street in the City and County of San Francisco, to be called Montgomery avenue, and to take private lands therefor.

And on the twenty-sixth day of March, eighteen hundred and seventy, at two o'clock and fifteen minutes P. M., presented the same to the Governor for his approval.

**MORRILL, Chairman.**

Mr. Hager, from the Judiciary Committee, made the following report:

**MR. PRESIDENT:** The Committee on Judiciary have had under consideration the following bills and report back Senate Bill No. 489—An Act to authorize Frederick B. Lewis, his heirs or assigns, to institute proceedings to recover certain real estate of James M. Lewis, deceased, escheated to the State of California—and recommend its passage.

Also, Senate Bill No. 424—An Act to prevent litigation between counties—and recommend its passage.

Also, Senate Bill No. 479—An Act relating to actions of partition—and recommend its passage.

Also, Senate Bill No. 518—An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one—and recommend its passage.

Also, Assembly Bill No. 257—An Act to amend an Act entitled an Act concerning crimes and punishments, approved April sixteenth, eighteen hundred and fifty—and recommend its passage.

Also, Senate Bill No. 585—An Act to provide for the official valuation of life insurance policies—and recommend the passage of the same without amendments.

Also, report back Senate Bill No. 573—An Act to authorize Robert McHenry, administrator of the estate of Henry Langworthy, deceased, to sell the real estate of said estate—with amendments, and recommend its passage.

Also, Senate Bill No. 463—An Act to regulate appeals from Justices' Courts to the County Court of the City and County of San Francisco—with amendments, and recommend its passage.

Also, Senate Bill No. 481—Proposed amendment to the Constitution of the State of California—with amendments, and recommend its passage.

Also, Assembly Bill No. 286—An Act to amend an Act entitled an Act concerning attorneys and counsellors at law, approved February nineteenth, eighteen hundred and fifty-one—with amendments, and recommend its passage.

Also, Assembly Bill No. 311—An Act to amend an Act concerning Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three—with amendments, and recommend its passage.

Also, Assembly Bill No. 452—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—with amendments, and recommend its passage.

Also, Assembly Bill No. 398—An Act to amend section five hundred and thirty-eight of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, approved April twenty-ninth, eighteen hundred and fifty-one—with amendments, and recommend its passage.

Also, Senate Bill No. 599—An Act to amend an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one—with amendments, and recommend the adoption of the amendments and the passage of the bill as amended.

Also, report back Assembly substitute for Assembly Bill No. 303—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and Acts amendatory thereof—and recommend that it do not pass, as the subject matter has already been provided for by Senate Bill No. 93, which has passed the Senate.

Also, Assembly Bill No. 234—An Act to provide for the settlement of statements on appeal and on motion to set aside reports of Commissioners in certain cases—and recommend that it do not pass, as the same matter is already contained in Senate Bill No. 229, which has passed the Senate.

Also, Assembly Bill No. 335—An Act to provide for the appointment of two additional Notaries Public in the County of Solano—and recommend that it do not pass, as the object desired in said bill has already been accomplished by amendment to another bill passed the Senate.

Also, Senate Bill No. 439—An Act to provide for the submission of the proposed amendment to the Constitution of the State, as proposed by the Legislature at its sixteenth session and adopted by the Legislature at its seventeenth session, to the qualified electors of the State—and recommend that it do not pass, as the subject matter has already been provided for by a bill passed the Senate.

Also, Senate Bill No. 529—An Act to amend the Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one—and recommend that it do not pass, as the same matter is contained in Assembly Bill No. 452, passed the Assembly and now before the Senate for action.

Also, Assembly substitute for Senate Bill No. 5—An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, passed May sixteenth, eighteen hundred and sixty-one—and recommend that the Senate refuse to concur in the amendment called a substitute for Senate Bill No. 5.

Also, Senate Bill No. 472—An Act supplemental to the Act of February twenty-first, eighteen hundred and sixty-eight, entitled an Act to limit the hours of labor—the committee were unable to agree upon said bill and therefore report the same back for the consideration of the Senate.

Also, report back Assembly Bill No. 160—An Act to protect the people of the State of California from the evils of Asiatic emigration—for consideration of the Senate.

HAGER, Chairman.

On motion of Mr. Lawrence, the rules were suspended for the consideration of Senate Bill No. 489, above reported.

The rules were further suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Hager, the rules were suspended for the consideration of Senate Bill No. 588, above reported.

The rules were further suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Farley, the rules were suspended for the consideration of Senate Bill No. 578—An Act to authorize the Boards of Supervisors of the several counties of this State to grant franchises, in their respective counties, for cleaning out streams and for using the waters of the same for rafting, floating and booming purposes.

The rules were further suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Roberts, the rules were suspended for the consideration of Senate Bill No. 505—An Act to regulate the rights of owners of mines.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Betge, the rules were suspended for the consideration of Senate Bill No. 546—An Act concerning the salaries of certain officers therein named.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Banvard, the rules were suspended for the consideration of Senate Bill No. 325—An Act to provide for the payment of certain witnesses in the case of The People of the State of California vs. Horace Smith.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.



Mr. Curtis moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Curtis, Conn and Comte, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Burnett, Chappell, Comte, Conn, Curtis, Green, Hunter, Hutchings, Murch, Orr, Pacheco, Perkins, Roberts, Turner, Tweed, Wilson and Wing—17.

**NOES**—Messrs. Banvard, Beach, Betge, Conly, Fowler, Gwin, Hager, Lawrence, Maclay, Mandeville, McDougall, Minis, O'Connor, Tompkins and Wand—15.

Mr. Mandeville moved to suspend the rules for the consideration of Senate Bill No. 486.

Upon which the ayes and noes were demanded by Messrs. Green, Hager and Hunter, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Beach, Betge, Comte, Conly, Conn, Curtis, Farley, Fowler, Gwin, Hunter, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Orr, Pacheco, Pendegast, Perkins, Roberts, Tompkins, Tweed, Wand, Wilson and Wing—28.

**NOES**—Messrs. Burnett, Chappell, Green, Hager, Hutchings, Larkin, Minis, Murch, O'Connor and Turner—10.

Senate Bill No. 486—An Act to pay for work done in the State Land Office.

The rules were suspended, bill considered engrossed, read a third time and passed.

#### INTRODUCTION OF BILLS.

Mr. Farley had leave to introduce the following bill—An Act to relieve owners of real estate from double taxation.

Read first and second times, ordered printed and placed on top of file for Wednesday next.

Mr. O'Connor had leave to introduce the following bill—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

Mr. Gwin had leave to introduce the following bill—An Act concerning certain crimes and punishments.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

#### REPORTS.

Mr. Tweed verbally reported Senate Bill No. 641, and recommended its passage.

The rules were suspended, and Senate Bill No. 641, above reported, considered engrossed, read a third time and passed.

[President pro tem. in the chair.]

On motion of Mr. Comte, the rules were suspended for the consideration of Senate Bill No. 418—An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the manage-

ment of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one.

The rules were suspended, bill considered engrossed, read a third time and passed.

Mr. Lawrence had leave to introduce the following bill—An Act to provide for the construction and maintenance of toll roads within the State of California.

Read first and second times and referred to the Committee on Corporations, with instructions to report to-morrow.

On motion of Mr. Mandeville, the Senate took up Assembly messages.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
March 25th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Senate Bill No. 217—An Act to regulate the elections of voluntary political associations and parties in the City and County of San Francisco and to secure a fair expression of the choice of such associations and parties in the nomination of candidates.

Also, amended Senate Bill No. 557—An Act to fund the debt of the City of Los Angeles and to provide for the payment of the same.

Also, passed Senate Bill No. 595—An Act authorizing the Board of Supervisors of Sierra County to build a certain wagon road in the said county and to issue bonds therefor.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 24th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 688—An Act relative to Sheriff's fees in the County of Alameda.

Also, passed Assembly Bill No. 694—An Act to change the grade of Leavenworth street and Vallejo street, in the City and County of San Francisco.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 25th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Assembly Bill No. 347—An Act to ratify and confirm ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco and proceedings had thereunder.

Also, passed Senate Bill No. 626—An Act to amend an Act entitled an Act to raise a fund for the improvement of Napa City.

Also, passed Senate Bill No. 289—An Act to better define the boundary line between Fresno and Mariposa Counties.

Also, amended and passed Senate Bill No. 298—An Act concerning

the City of Vallejo and to ratify and confirm certain ordinances of the Trustees thereof.

Also, passed Senate Bill No. 640—An Act concerning the construction of the State Capitol, in the City of Sacramento.

Also, Assembly Bill No. 449—An Act amendatory and supplemental to an Act concerning crimes and punishments, approved April sixteenth, eighteen hundred and fifty, and amended March twenty-eighth, eighteen hundred and sixty-eight.

Also, Assembly Bill No. 635—An Act for the relief of McNally and Hawkins.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 25th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, receded from its amendments to Senate Bill No. 467—An Act authorizing the publication of certain legal notices in a State paper printed at the seat of Government of the State of California.

FERRAL,  
Chief Clerk.

ASSEMBLY CHAMBER,  
March 25th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-third instant, passed Assembly Bill No. 657—An Act making appropriations for the support of the civil Government of the State of California for the twenty-second and twenty-third fiscal years, commencing on the first day of July, A. D. eighteen hundred and seventy, and ending on the thirtieth day of June, A. D. eighteen hundred and seventy-two.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 25th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Assembly Bill No. 589—An Act to provide for the protection of lands in the County of Sutter from overflow.

Also, passed Assembly Bill No. 699—An Act supplementary to an Act entitled an Act to regulate fees of office and the salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy.

Also, Assembly Bill No. 604—An Act to authorize the Treasurer of San Joaquin County to transfer certain funds to the General School Fund of said county.

Also, Assembly Bill No. 674—An Act for the relief of John Hames.

And, on this day, passed Assembly Bill No. 692—An Act to provide for competitive scholarships for the benefit of meritorious young men desirous of entering the State University.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 26th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-fourth day of March, passed Assembly Bill No. 667—An Act to provide funds for the construction and improvement of highways in the County of San Mateo.

And, on yesterday, passed Assembly Bill No. 700—An Act to provide for the payment of certain claims against the Second Township of the County of San Mateo.

And, this day, under suspension of the rules, passed Assembly Bill No. 708—An Act to authorize the County of Sonoma to aid the California Pacific Railroad Company.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bill No. 557, above reported, with amendments, referred to the Los Angeles delegation.

Assembly Bill No. 347, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 694, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 449, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 674, above reported, read first and second times and referred to the Committee on Claims.

Assembly Bill No. 604, above reported, read first and second times and referred to the San Joaquin delegation.

Assembly Bill No. 657, above reported, read first and second times and referred to the Finance Committee.

Assembly Bill No. 667, above reported, read first and second times and referred to the San Mateo delegation.

Assembly Bill No. 700, above reported, read first and second times and referred to the San Mateo delegation.

Assembly Bill No. 708, above reported, read first and second times and referred to the Sonoma and Napa delegations.

Assembly Bill No. 635, above reported, read first and second times and referred to the Finance Committee, with instructions to report on Wednesday next.

Assembly Bill No. 589, above reported, read first and second times and referred to the Committee on Swamp and Overflowed Lands.

Assembly Bill No. 692, above reported, read first and second times, rules suspended, bill read a third time and passed.

Assembly Bill No. 688, above reported, read first and second times, rules suspended, bill read a third time and passed.

Assembly Bill No. 699, above reported, read first and second times, rules suspended, bill read a third time and passed.

Senate Bill No. 595, above reported, amendments made by the Assembly concurred in by the Senate.

Senate Bill No. 298, above reported, amendments made by the Assembly concurred in by the Senate.

## MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 28th, 1870. }

**MR. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on the twenty-third instant, passed Assembly Bill No. 465—An Act to provide for a street railroad in the City and County of San Francisco.

And, on the twenty-fourth instant, passed Assembly Bill No. 659—An Act concerning roads and highways in the County of Sacramento.

Also, Assembly Bill No. 586—An Act to provide for the removal of the Danville District school house, in the County of Contra Costa.

Also, Assembly Bill No. 690—An Act concerning the Magdalen Asylum of the City and County of San Francisco.

Also, Assembly Bill No. 676—An Act to provide for the formation of corporations for the accumulation of funds and savings and the direct promotion of manufacturing and mechanic arts, agriculture and mining.

Also, Assembly Bill No. 693—An Act to amend an Act entitled an Act to regulate fees of office.

Also, Assembly Bill No. 689—An Act amendatory of and supplementary to an Act entitled an Act to reincorporate the City of San José.

Also, Assembly Bill No. 585—An Act supplementary to an Act entitled an Act to incorporate the Town of Santa Cruz.

And, on the twenty-fifth instant, passed Assembly Bill No. 701—An Act to legalize the assessment roll of the City of Los Angeles

Also, Assembly Bill No. 702—An Act amendatory of and supplementary to an Act concerning roads and highways in the County of Tuolumne.

Also, Assembly Bill No. 528—An Act for the relief of Thomas E. Hughes.

And, on the twenty-sixth instant, passed Assembly Bill No. 680—An Act making appropriations for the support of the several charitable institutions therein specified during the twenty-second and twenty-third fiscal years, commencing on the first day of July, eighteen hundred and seventy, and ending on the thirtieth day of June, eighteen hundred and seventy-two.

Also, Assembly Bill No. 706—An Act to amend an Act to provide means for the government of Santa Cruz County, and for the funding and payment of the debt of said county.

Also, Assembly Bill No. 713—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State.

Also, Assembly Bill No. 711—An Act concerning lawful fences in the County of El Dorado.

And, on this day, passed Assembly Bill No. 718—An Act to ratify and confirm the transactions of the First Unitarian Society of San Francisco, and of the corporation The Board of Directors of the First Unitarian Society of San Francisco.

Also, Senate Bill No. 612, with amendments—An Act concerning gas companies.

Also, Senate Concurrent Resolution No. 46—Relative to establishment of a mail route in Siskiyou County.

Also, Senate Concurrent Resolution No. 60—Authorizing Enrolling Clerk to correct error in Senate bill

And, on the twenty-fifth instant, passed Senate Bill No. 54—An Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation.

Also, Senate Bill No 153—An Act to equalize taxation among the counties of this State.

And, on the twenty-sixth instant, passed Senate Bill No. 450—An Act authorizing the Board of Supervisors of Los Angeles County to erect a Court-house, or, in their discretion, to purchase a building suitable therefor, and to construct a fire-proof vault therein, and to borrow money for expenses thereof.

Also, Senate Bill No. 514—An Act for the relief of J. Scott Ashman, formerly Sheriff of Fresno County.

Also, Senate Bill No. 623, with amendments—An Act supplementary to and amendatory of an Act to provide for the location and maintenance of public roads in the County of Nevada.

And indefinitely postponed Senate Bill No. 619.

Also, return Assembly Bill No. 500, as requested by resolution of the Senate.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 659, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 690, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 465, above reported, read first and second times and referred to the Sacramento delegation.

Assembly Bill No. 586, above reported, read first and second times and referred to the Contra Costa delegation.

[President in the chair.]

Assembly Bill No. 676, above reported, read first and second times, rules suspended, read a third time and passed.

Senate Bill No. 623, above reported with amendments, concurred in by the Senate.

Senate Bill No. 450, above reported, with amendments, referred to the Los Angeles delegation.

Assembly Bill No. 693, above reported, read first and second times and referred to the Committee on State and County Revenue.

Assembly Bill No. 689, above reported, read first and second times and referred to the Santa Clara delegation.

Assembly Bill No. 701, above reported, read first and second times and referred to the Los Angeles delegation.

Assembly Bill No. 585, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 702, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 528, above reported, read first and second times and referred to the Committee on Claims.

Assembly Bill No. 706, above reported, read first and second times and referred to the Santa Cruz delegation.

Assembly Bill No. 711, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 680, above reported, read first and second times and referred to the Committee on Finance.

Assembly Bill No. 713, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 718, above reported, read first and second times and referred to the Committee on Corporations.

Senate Bill No. 612, above reported with amendments, referred to the Committee on Corporations.

Mr. Pacheco gave notice that he would, on to-morrow, move to reconsider the vote by which the Senate indefinitely postponed Senate Bill No. 325.

Mr. Wand had leave to introduce a concurrent resolution relative to the importation of Chinese females, etc.

The resolution was read and adopted.

[For resolution, see Appendix.]

#### REPORTS.

Mr. Hager, from the Judiciary Committee, made the following report:

Mr. PRESIDENT: The Committee on Judiciary have had under consideration the following bills, and report back—

Senate Bill No. 43—Proposed amendments to the Constitution of the State of California—with amendments.

Also, Senate Bill No. 335—An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one—with amendments.

Also, Senate Bill No. 493—An Act to provide for executing writs of restitution in actions for the recovery of real property—with amendments.

Also, Assembly Bill No. 432—An Act for the relief of Lovick P. Hall and Samuel J. Garrison—with amendments.

Also, Assembly Bill No. 525—An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one—with amendments.

And recommend the adoption of the amendments and the passage of the several bills, as amended.

HAGER, Chairman.

Mr. Betge, from a majority of the San Francisco delegation, made the following report:

Mr. PRESIDENT: A majority of the San Francisco delegation, to whom was referred Assembly Bill No. 310—An Act to establish a morgue for the City and County of San Francisco—having duly considered the same, beg leave to report the same back to the Senate without recommendation.

KINCAID,  
BETGE,  
WAND.

Mr. Banvard had leave to introduce the following bill—An Act to appropriate money for the contingent expenses of the Legislature.

Read first and second times and referred to the Finance Committee.  
At five o'clock and fifty minutes P. M., on motion of Mr. Green, the Senate adjourned.

#### EVENING SESSION.

Senate met pursuant to adjournment.

In the absence of the President and President pro tem., the Senate was called to order by Joseph Roberts, Jr., Secretary of the Senate.

On motion of Mr. Maclay, Mr. Mandeville was chosen to act as President pro tem., during the absence of the President.

Roll called.

No quorum present.

[President in the chair.]

Mr. Comte moved a call of the Senate, which was ordered.

On motion of Mr. Mandeville, the further proceedings under the call were dispensed with.

#### SPECIAL ORDER.

Assembly Bill No. 167—An Act to amend an Act entitled an Act to incorporate the City of Vallejo, approved March thirtieth, eighteen hundred and sixty-eight.

Considered in Committee of the Whole and amended, and passed on file.

Assembly Bill No. 332—An Act in relation to delinquent taxes in the County of Alpine.

Read a third time and passed.

Senate resumed consideration of Assembly Bill No. 167.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

Assembly Bill No. 491—An Act amendatory of an Act entitled an Act in relation to roads and highways in Sonoma County, etc.

Read a third time and passed.

Assembly Bill No. 414—An Act to provide for the translation of foreign records in the County of Sonoma, and to make such translation evidence of their contents.

Read a third time and passed.

Assembly Bill No. 478—An Act to define and establish the line and width of East street, between Market street and Clay street wharf, in San Francisco.

Read a third time and passed.

Assembly Concurrent Resolution No. 57—To authorize Assembly Enrolling Clerk to insert a proviso in Assembly Bill No. 70.

Read a third time and adopted by a unanimous vote of the Senate.

Assembly Bill No. 344—An Act to provide for the manner of auditing claims against Humboldt County.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

Assembly Bill No. 248—An Act to authorize the construction of a wharf at Vallejo, Solano County, at the foot of Maryland street.



Indefinitely postponed.

Assembly Bill No. 289—An Act to create the County of Anaheim, to define its boundaries, and provide for its organization and financial affairs.

Mr. Mandeville moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Betge, Conn and Lawrence, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Beach, Comte, Conly, Conn, Curtis, Farley, Fowler, Gwin, Hutchings, Larkin, Lawrence, Mandeville, McDougall, Morrill, Murch, O'Connor, Orr, Pendegast, Roberts, Tompkins, Turner, Tweed, Wand and Wilson—21.

**NOES**—Messrs. Betge, Burnett, Chappell, Hunter, Lewis, Pacheco, Perkins, Saunders and Wing—9.

Mr. Lawrence gave notice that he would, on to-morrow, move to reconsider the vote by which Assembly Bill No. 289 was indefinitely postponed.

Assembly Bill No. 536—An Act to establish a Municipal Court in the City and County of San Francisco, to be called the Municipal Criminal Court of the City and County of San Francisco.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

Title amended and amendment adopted.

Assembly Bill No. 149—An Act to authorize W. S. Chaffer, Marcus Harloe, Victor Ustruaustgui, Frank Molleda and José de Arnaz to build a wharf and a railroad track in San Buenaventura, in the County of Santa Barbara.

Indefinitely postponed.

Assembly Bill No. 201—An Act authorizing the construction of a wharf in the County of San Diego.

Laid on the table.

Assembly Bill No. 264—An Act to authorize the County of Santa Cruz to aid in the construction of a railroad in said county, and for other purposes pertaining thereto.

Read a third time and passed.

Assembly Bill No. 266—An Act to authorize Joseph L. Manassee and Marcus Schiller, and their associates, to build, maintain and use a wharf on the southwesterly line of pueblo lot number one thousand one hundred and fifty-seven, in San Diego, in the County of San Diego.

Laid on the table.

Assembly Bill No. 169—An Act to create the County of San Benito, to define its boundaries and provide for its organization.

Indefinitely postponed.

Substitute for Assembly Bill No. 256—An Act to authorize the Board of Supervisors of the County of San Joaquin to donate one hundred thousand dollars to the Stockton and Copperopolis Railroad Company, and to provide for the payment of the same, and other matters relating thereto.

Read a third time and passed.

Assembly Bill No. 412—An Act to create the County of Ventura, to establish its boundaries and provide for its organization.

Mr. Pacheco moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Kincaid, Hutchings and Minis, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Beach, Burnett, Chappell, Comte, Conly, Conn, Gwin, Kincaid, McDougall, Murch, O'Connor, Orr, Pacheco, Roberts, Tompkins, Turner, Wilson and Wing—19.

**NOES**—Messrs. Betge, Curtis, Hunter, Hutchings, Larkin, Lawrence, Lewis, Maclay, Mandeville, Minis and Pendegast—11.

Messrs. Kincaid and Pacheco each gave notice of a motion to reconsider the vote by which Assembly Bill No. 412 was indefinitely postponed.

Assembly Bill No. 463—An Act to authorize the Treasurer of Sutter County to transfer money from the General Fund to the Hospital Fund of said county

Read a third time and passed.

Assembly Bill No. 263—An Act for the relief of certain settlers on the outside lands of the City and County of San Francisco.

Mr. Saunders moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Roberts, Tweed and Lewis, and the Senate so ordered, by following vote:

**AYES**—Messrs. Banvard, Beach, Burnett, Comte, Conly, Conn, Hager, Hunter, Hutchings, Larkin, McDougall, Morrill, O'Connor, Perkins, Saunders, Tompkins, Turner and Wing—20.

**NOES**—Messrs. Betge, Chappell, Farley, Green, Kincaid, Lawrence, Lewis, Maclay, Mandeville, Minis, Murch, Orr, Pacheco, Pendegast, Roberts and Tweed—16.

[Mr. Farley in the chair.]

Senate Bill No. 430—An Act to create a Board of Public Works in the City and County of San Francisco.

Mr. Beach moved to make the bill the special order for Tuesday evening, at seven and a half o'clock.

Upon which the ayes and noes were demanded by Messrs. Lawrence, Green and Betge, and the Senate refused, by the following vote:

**AYES**—Messrs. Beach, Betge, Green, Hutchings, Lawrence, Mandeville, McDougall, Minis, Perkins, Roberts, Turner and Wing—12.

**NOES**—Messrs. Banvard, Burnett, Chappell, Comte, Conly, Conn, Curtis, Farley, Fowler, Hager, Hunter, Larkin, Lewis, Maclay, Morrill, Murch, O'Connor, Orr, Pendegast, Saunders and Tompkins—21.

At seven o'clock and fifteen minutes P. M. Mr. Larkin moved to adjourn, upon which the ayes and noes were demanded by Messrs. Hager, and Comte, and the Senate refused, by the following vote:

Banvard, Beach, Betge, Burnett, Fowler, Green, Hunter, Lewis, Mandeville, Morrill and Perkins—13.

Chappell, Comte, Conn, Curtis, Farley, Hager, McDougall, Murch, O'Connor, Orr, Pendegast, Roberts, and Turner and Wing—18.

On motion of Mr. O'Connor, the bill under consideration was made the special order for to-morrow, at two and a half o'clock P. M.

At ten o'clock and twenty minutes P. M., on motion of Mr. Saunders, the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Tuesday, March 29th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Mr. Burnett was granted leave of absence for one day.

Prayer by the Rev. O. P. Fitzgerald.

Journal of yesterday read and approved.

## RESOLUTION.

Mr. Tweed had leave to introduce the following resolution :

*Resolved* by the Senate and Assembly of the State of California, That the flag over the dome of the Capitol be lowered to half-mast, in honor of the memory of Major-General George H. Thomas, U. S. A., and General of Division for the Pacific Coast, who departed this life at San Francisco, on the evening of March twenty-eighth, eighteen hundred and seventy.

Adopted.

On motion of Mr Maclay, the rules were suspended for the consideration of Senate Bill No. 503—An Act to amend an Act to provide for a system of common schools.

Considered in Committee of the Whole and amended.

## IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate, with the exception of the amendment adding to the Board the Superintendent of Common Schools of Alameda County.

Upon the adoption of the amendment, the ayes and noes were demanded by Messrs. Larkin, Hager and Green, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Beach, Chappell, Conly, Conn, Green, Hutchings, McDougall, Minis, O'Connor, Orr, Pacheco, Pendegast, Perkins, Roberts, Tompkins, Turner, Tweed and Wing—18.

**NOES**—Messrs. Betge, Comte, Curtis, Fowler, Gwin, Hager, Kincaid, Larkin, Lewis, Maclay, Mandeville, Saunders and Wilson—13.

On motion of Mr. Pendegast, section one was amended by adding thereto the Superintendent of Common Schools of Sonoma County.

On motion of Mr. McDougall, Assembly Bill No. 548 was ordered on top of special file for this evening.

On motion of Mr. Fowler, the rules were suspended for the consideration of Senate Bill No. 594—An Act to perfect title to lands granted by the United States to the State of California.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

#### REPORT.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 489—An Act to authorize Frederick B. Lewis, his heirs or assigns, to institute proceedings to recover certain real estate of James M. Lewis, deceased, escheated to the State of California.

Also, Senate Bill No. 486—An Act to pay for work done in the State Land Office.

Also, Senate Bill No. 318—An Act supplementary to an Act to provide for the appointment of Notaries Public and defining their duties, approved April twenty-fifth, eighteen hundred and sixty-two.

Also, Senate Bill No. 650—An Act for the protection of game imported into this State by the Ornithological and Piscatorial Acclimatizing Society of California.

Also, Senate Bill No. 651—An Act to provide the Institution for the Deaf and Dumb and the Blind with a geological and mineral cabinet.

Also, Senate Bill No. 546—An Act concerning the salaries of certain officers therein named.

Also, Senate Bill No. 418—An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one.

Also, substitute for Senate Bill No. 629—An Act to empower the County of Plumas to aid in the construction of the Marysville and Ogden Railroad Company.

Also, Senate Bill No. 505—An Act to regulate the rights of the owners of mines.

O'CONNOR, Chairman.

#### GENERAL FILE.

Assembly Bill No. 572—An Act to encourage tin mining in this State Referred to the Finance Committee.

Assembly Bill No. 85—An Act to repeal an Act entitled an Act to provide for the registration of the citizens of this State and for the enrolment in the several election districts of all the legal voters thereof

and for the prevention and punishment of frauds affecting the elective franchise, approved March second, eighteen hundred and sixty-six, and to repeal an Act entitled an Act to amend an Act entitled an Act to provide for the registration of the citizens of this State and for the enrolment of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, and approved March thirtieth, eighteen hundred and sixty-eight.

Made the special order for to-morrow, at two and a half o'clock P. M.

Assembly Bill No. 160—An Act to protect the people of the State of California from the evils of Asiatic emigration.

Mr. Roberts moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. O'Connor, Minis and Hunter, and the Senate refused, by the following vote :

**AYES**—Messrs. Beach, Chappell, Conly, Curtis, Green, Maclay, Murch, Pacheco, Perkins, Roberts, Tompkins, Turner, Tweed and Wing—14.

**NOES**—Messrs. Banvard, Betge, Comte, Farley, Fowler, Gwin, Hager, Hunter, Larkin, Lawrence, Lewis, Maudeville, McDougall, Minis, O'Connor and Pendegast—16.

The bill was read a third time.

Upon its passage the ayes and noes were demanded by Messrs. Roberts, Larkin and Tweed, and the bill was passed, by the following vote :

**AYES**—Messrs. Banvard, Betge, Comte, Farley, Fowler, Gwin, Hager, Hunter, Kincaid, Larkin, Lawrence, Lewis, Mandeville, McDougall, Minis, O'Connor, Pendegast, Saunders and Wilson—19.

**NOES**—Messrs. Beach, Chappell, Conly, Curtis, Green, Maclay, Murch, Pacheco, Perkins, Roberts, Tompkins, Turner, Tweed and Wing—14.

Assembly Bill No. 234—An Act to provide for the settlement of statements on appeal and on motion to set aside reports of Commissioners in certain cases.

Indefinitely postponed.

[Mr. Pendegast in the chair.]

Assembly Bill No. 257—An Act to amend an Act entitled an Act concerning crimes and punishments, approved April sixteenth, eighteen hundred and fifty.

Read a third time and passed.

Assembly Bill No. 286—An Act to amend an Act entitled an Act concerning attorneys and counsellors at law, approved February nineteenth, eighteen hundred and fifty-one.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

Substitute for Assembly Bill No. 303—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and Acts amendatory thereof.

Indefinitely postponed.

Assembly Bill No. 311—An Act to amend an Act concerning Courts

of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

Assembly Bill No. 398—An Act to amend section five hundred and thirty-eight of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Bill considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed; title amended and amendment adopted.

Assembly Bill No. 452—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Farley, Banvard and Hunter, and the Senate refused, by the following vote:

**AYES**—Messrs. Comte, Conn, Curtis, Hager, Hutchings, O'Connor, Pendegast, Perkins, Roberts, Saunders, Tompkins, Tweed and Wing—13.

**NOES**—Messrs. Banvard, Chappell, Conly, Farley, Fowler, Hunter, Kincaid, Larkin, Lawrence, Lewis, Mandeville, Minis and Murch—13.

Assembly Bill No. 52—An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

[President pro tem. in the chair.]

Senate Bills Nos. 24 and 43—Proposed amendments to the Constitution—made the special order for to-morrow, at two o'clock p. m.

Senate Bill No. 209—An Act to create a State Hospital and Almshouse.

Considered in Committee of the Whole and amended.

## IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate, and bill indefinitely postponed.

Senate Bill No. 383—An Act to provide for the destruction of wolves and coyotes.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 312—An Act to amend an Act entitled an Act to regulate the interest of money.

Mr. Hager, from the Judiciary Committee, had leave to make the following report:

Mr. PRESIDENT: The Judiciary Committee, upon reconsideration of Senate Bill No. 312—An Act to amend an Act entitled an Act to regulate the interest of money—recommend the passage of the same.

HAGER,  
ROBERTS,  
FARLEY,  
LEWIS,  
TOMPKINS,  
PENDEGAST,  
COMTE,  
CURTIS,  
SAUNDERS,  
TWEED,  
KINCAID.

[Mr. Pendegast in the chair.]

The rules were suspended, and Senate Bill No. 312 considered engrossed and read a third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Larkin, Roberts and Betge, and the bill was passed, by the following vote:

AYES—Messrs. Beach, Betge, Chappell, Comte, Conly, Curtis, Farley, Fowler, Green, Gwin, Hager, Hutchings, Irwin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, O'Connor, Orr, Pacheco, Pendegast, Perkins, Roberts, Saunders, Tompkins, Turner, Tweed, Wilson and Wing—31.

NOES—Messrs. Banvard, Hunter, Larkin and Murch—4.

Mr. Lewis had leave to introduce the following bill—An Act to provide for the collection of taxes in the County of Tehama.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

## REPORT.

Mr. Farley, from the Committee on Federal Relations, made the following report:

Mr. PRESIDENT: Your Committee on Federal Relations have instructed me to report Senate Concurrent Resolution No. 22—Relative to granting

subsidies to establish mail routes between San Francisco and Melbourne—and recommend its passage.

FARLEY, Chairman.

On motion of Mr. Farley, the rules were suspended for the consideration of Senate Concurrent Resolution No. 22, above reported.

The rules were further suspended, resolution above reported considered engrossed, read a third time and adopted.

On motion of Mr. Curtis, the rules were suspended for the consideration of Senate Bill No. 451—An Act authorizing the Controller of State to employ an additional clerk.

The rules were further suspended, bill considered engrossed, read a third time and passed.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 25th, 1870. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate Bill No 332—An Act to provide for paying certain claims against the City of Oakland, and to contract a funded debt for that purpose.

Also, Senate Bill No. 287—An Act to provide funds for the School Department of the City of Oakland.

Also, substitute for Senate Bill No. 82—An Act to expedite the settlement of land titles in the City and County of San Francisco, and to ratify and confirm the acts and proceedings of certain of the authorities thereof.

Also, substitute for Senate Bill No. 183—An Act to continue the geological survey of the State of California.

Also, Senate Bill No. 416—An Act amendatory and supplemental to an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three, and the Acts amendatory thereof and supplemental thereto.

Also, Senate Bill No. 456—An Act amendatory of and supplementary to an Act entitled an Act to incorporate the Town of Redwood City, approved March twenty-seventh, eighteen hundred and sixty-eight.

Also, Senate Bill No. 604—An Act to amend an Act entitled an Act in reference to library associations, approved April twenty-seventh, eighteen hundred and sixty-three.

Also, Senate Bill No. 605—An Act extending the authority of E. L. Craig, late District Attorney of the County of Placer, in the prosecution and defence of certain actions and proceedings, and other matters relating thereto.

Also, Senate Bill No. 550—An Act to provide for the submission to the people of the proposed amendment to the Constitution of the State, as proposed by the Legislature at its sixteenth session and adopted by the Legislature at its seventeenth session, to the votes of the qualified electors at the next general election.

Also, Senate Bill No. 585—An Act concerning the office of County Clerk of Napa County.

Also, Senate Bill No. 353—An Act amendatory of and supplementary



to an Act entitled an Act to incorporate the Town of San Luis Obispo, approved April fourteenth, eighteen hundred and sixty-three.

Also, Senate Bill No. 246—An Act to legalize certain county warrants in the County of Tuolumne.

Also, Senate Bill No. 294—An Act to modify the grade of certain streets in the City and County of San Francisco.

Also, Senate Bill No. 189—An Act for the relief of Robert M. Folger.

Also, Senate Bill No. 460—An Act relative to the publication of certain reports.

Also, Senate Bill No. 582—An Act to provide for the maintenance of the indigent sick in certain townships therein named, in Siskiyou County.

Also, Senate Bill No. 454—An Act amendatory of and supplementary to an Act entitled an Act concerning roads and highways in the County of San Mateo.

Also, Senate Bill No. 306—An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three.

Also, Senate Bill No. 485—An Act concerning roads and highways in Sierra Township, County of Sierra.

Also, Senate Bill No. 528—An Act to authorize a tax to be levied upon the taxable property of Red Bluff School District, Tehama County, for building purposes.

Also, Senate Bill No. 632—An Act concerning the offices of County Clerk and County Surveyor of the County of Los Angeles.

Also, substitute for Senate Bill No. 327—An Act to empower the Board of Trustees of the State Library to authorize the State Librarian to appoint an additional deputy, and to fix the compensation therefor.

H. H. HAIGHT,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 26th, 1870.

*To the Senate of the State of California:*

I herewith return to your honorable body, without approval, Senate Bill No. 428—An Act to authorize the construction of a railroad in the Town of Santa Clara, and confirming an order of the Board of Trustees of said town in relation thereto.

Also, Senate Bill No. 179—An Act to provide for laying down gas pipes in the streets of Sacramento and for furnishing gas to public and private buildings therein and for lighting the streets thereof.

Both of these bills belong to a class of measures, the disapproval of which has been sanctioned by your honorable body, and the purposes of which will be fully covered by the general legislation of this session, remitting control of such matters to the local authorities.

H. H. HAIGHT,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 29th, 1870.

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate

Bill No. 20—An Act to provide for the payment of the State's portion of the salary of the County Auditor of Fresno County.

Also, Senate Bill No. 547—An Act to appropriate funds for the relief of the several orphan asylums of this State.

Also, Senate Bill No. 176—An Act to provide compensation for the revision of the laws.

Also, Senate Bill No. 577—An Act to create a Redemption Fund and to provide means for defraying the expenses of the County of El Dorado.

Also, Senate Bill No. 606—An Act to repeal an Act entitled an Act to incorporate the Town of Columbia, in Tuolumne County, approved April ninth, eighteen hundred and fifty-seven, and all Acts supplementary thereto and amendatory thereof, and to provide for disposing of the property and settling up the indebtedness of said Town or City of Columbia.

Also, Senate Bill No. 262—An Act to provide for an official survey of the swamp and overflowed, tide and salt marsh lands in Marin County.

Also, substitute for Senate Bill No. 252—An Act to protect litigants.

H. H. HAIGHT,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 29th, 1870. }

*To the Senate of the State of California :*

I herewith return to your honorable body, without my approval, Senate Bill No. 243—An Act to empower the Counties of Stanislaus, Merced, Fresno, Tulare and Kern to aid in the construction of a railroad in said counties.

Also, Senate Bill No. 244—An Act to empower the City and County of San Francisco and Counties of Monterey and San Luis Obispo to aid in the construction of the Southern Pacific Railroad and other purposes.

Both the general principles and the details of these measures deserve, by reason of the magnitude of the interests involved, a more extended discussion than is possible to give them at present, owing to the pressure of urgent duties. The views and opinions which impel me to withhold assent to these bills will therefore be briefly indicated rather than discussed.

It has been said by one of the most eminent jurists of this country, that the sole legitimate end of law (that is, of government) is *security* to men in the free enjoyment and development of their capacities for happiness, and that "to compel men to contribute of the accumulations of industry to objects not within the legitimate sphere of legislation, is a perversion and abuse of its powers little, if anything, short of legalized robbery. What is the true province of legislation ought to be better understood. It is worth while to remark, that in every new and amended State Constitution, the bill of rights spreads over a larger space; new and more stringent restrictions are placed upon legislation." He says further, in the same connection : "The world is notoriously too much governed. Legislators almost invariably aim at accomplishing too much. Representative democracies, so far from being exempt from this vice, are, from their nature, peculiarly liable to it."

I have made this quotation because it expresses truths which, with slight modification, are generally recognized and their force acknowledged. The happiest people are the most free from governmental inter-

ference with their persons and their property. A certain amount of power is conceded when men enter the social compact and organize political communities. The right of eminent domain is an essential attribute of political sovereignty, by virtue of which private property is taken for public use on payment of just compensation. The right of taxation to defray necessary governmental expenditures is a branch of the same power. Every Government rightfully exacts a small annual percentage of the earnings and property of its citizens to provide means for the exercise of its ordinary essential functions. When, however, it goes beyond taxation for necessary objects, and takes the money of its citizens for other purposes, it enters upon ground which is, to say the least, debatable, and transcends limits within which many of the most enlightened jurists think its power ought to be confined.

Illustrations on this subject could be multiplied, but it is needless, for the present purpose, to insist upon rigid general rules which go beyond the case in hand.

We live under a constitutional government, and the main advantage of the system is that it places restraints and limitations upon legislative power. Its merit is not that the majority can always do exactly as they will. This is far from being its title to superiority. Its great value, on the contrary, consists in affording to the minority a shield of defence against the arbitrary action of the majority. It is true that, if the power of the majority is limited to the exercise of the ordinary functions for which government is needed, there is, of course, no danger of oppression; but if, for other and different purposes, it invades the right of property, breaks down all the barriers sought to be erected for a defence to the fruits of honest industry, and destroys all the checks upon profligate expenditure, burdensome debt and heavy taxation, for what it chooses to call the development of the country, then constitutional limitation fails to accomplish any beneficial purpose.

To leave general propositions and be more explicit. It seems to be thought by some that any measure to burden a community with taxation for the direct benefit of a railroad corporation can be sanctified, if it goes through the process of a popular vote. Is this so? Have men any right to encumber their neighbors' property for a third or a fourth of its value, in order to build a railroad? If one-half of the community can, in effect, mortgage the property of the other half, for a third or a fourth of its value, without the consent of the owners, for some purpose wholly foreign to the ordinary functions of government, it is clear that property is held by a much more frail tenure than we have been in the habit of supposing.

The Constitution prohibits the contracting of any State debt except in a certain way, by a law containing specified requisites, submitted to a vote of the people of the whole State. This might possibly be abused, but is much less liable to abuse than in the case of counties, because the voters would be more difficult to influence, and frauds more difficult to practice in the former case than in the latter.

The people of this State have declared, with emphasis, against any loan of State credit and against donating State funds to railroad corporations.

The present State officers were elected, in eighteen hundred and sixty-seven, upon a platform which declared "that, in view of the enormous weight of State and national taxation, it is imperatively necessary to prevent any increase of the State debt, and to reduce our State and

county expenses to the lowest standard compatible with good government."

Both parties united, last fall, in opposition to the policy of State aid to railroads. One party resolved that it was "opposed to the policy of lending the credit of the State and squandering the State property upon railway or other corporations, to the detriment of the public interests and the overwhelming increase of the State debt and taxation." The other party resolved that it was opposed "to grants of State aid to railroads, and in favor of limiting taxation to the amount of revenues absolutely requisite to pay the actual expenses of the State Government, and to maintain the financial credit of the State."

These declarations were, in my judgment, most wise. The time for the people to be misled into loading themselves with grievous burdens, by any plausible arguments in favor of a railroad system, it is to be hoped, has passed by. The reason for this concurrence of opinion by both parties was that there was no limit to debt and taxation if such a career was entered upon. The pledges given were accepted by the people, not merely in their letter, but in their spirit. All the reasons against State aid apply with double force against county aid. Most of the members who vote on these propositions for county aid have no direct interest or responsibility, and the burden falls frequently upon counties least able to bear it. What is also an important consideration is that a powerful railroad corporation, in a sparsely settled county, can almost invariably control the result, in spite of every effort of resident tax payers. The latter are virtually tied hand and foot, and handed over for sacrifice.

It has been seriously questioned whether, under our State Constitution, the Legislature can shift the responsibility of legislation, with which they are charged, to a mass meeting of a county or district. The duty of making laws is imposed by the Constitution upon the Legislature, under certain restrictions, and it admits of grave doubt whether that duty can be relinquished in any other way than is indicated by its provisions. The practical evils of such an abandonment of responsibility are obvious.

There are cases in which a proposition is made for a moderate subscription, by a town or city, to a local railroad, where the popular sentiment is so unanimous that it presents itself almost in the light of a general, voluntary subscription by the tax payers, equalized by the local authorities acting for the body politic. This is the most plausible shape in which the proposal can be made, and leaves little objection beyond those that exist to the whole system, and such as are of a legal and constitutional character.

The measures under review, however, are not of this harmless nature.

The first of the bills whose titles are given provides that the voters of Stanislaus, Merced, Fresno, Tulare and Kern Counties shall vote upon the proposition to donate their bonds to the San Joaquin Valley Railroad Company (or to any other company first constructing a railroad through those counties), at the rate of six thousand dollars per mile, except that in Kern County the amount is limited to four hundred and eighty thousand dollars, and in Stanislaus County, to one hundred and eighty thousand dollars.

Formerly, such propositions were in the shape of a loan of bonds, but in the progress of the railroad system, they begin to assume the form of donations. The difference, perhaps, is not material, for a loan usually ends in a gift. The assessed value of real and personal property in Kern

County for eighteen hundred and sixty-nine, according to the Controller's report, was one million one hundred and ninety-one thousand eight hundred and ninety-five dollars and eighty-three cents (\$1,191,895 83), of which only four hundred and thirty-one thousand five hundred and eighteen dollars and eight cents (\$431,518 08) was real estate. In other words, the bill proposes to afford an opportunity for voters from abroad, on thirty days residence, in the present or expected employ of the corporation, to encumber the real estate of that county to an amount equal to more than one hundred per cent. of its assessed value! The San Joaquin Valley Railroad Company is not a new and feeble association. It is understood to be, and doubtless is, the Central Pacific Railroad Company under another name—a corporation of vast wealth, of franchises such as are perhaps held by no corporation on the continent, managed by gentlemen of great energy, enterprise and business ability. The total vote of Kern County, at the judicial election in eighteen hundred and sixty-nine, is given as two hundred and thirty-eight, though at the presidential election six hundred and thirty votes were polled. Is it not plain that if the corporation chose to make an effort, the result in such a county would be a foregone conclusion, without reference to the wishes of the tax payers? The same proportion of debt on the whole State would give us a State debt of *more than one hundred and fifty millions of dollars, and would sink the State into hopeless bankruptcy.*

The same proportion of debt which this bill proposes to place upon Stanislaus County, would give us a State debt of about thirteen millions. In Fresno, Merced and Tulare Counties, the number of miles is not given, and no comparison can be made. If there are sixty miles in Tulare County, it would impose a debt of three hundred and sixty thousand dollars upon a county, the entire real estate of which is assessed, in eighteen hundred and sixty-nine, at three hundred and sixty-five thousand eight hundred and twelve dollars. The only thing required of the company is, that it shall build fifty miles of railroad per annum, commencing after January first, A. D. eighteen hundred and seventy-one, and counting the portion already partly completed. There is no limitation in the bill upon the charges for passengers or freight; no limitation of the encumbrance upon the counties to such amounts as they could probably pay without embarrassment, and the election is ordered in June, without giving the tax payers the right of option as to whether they would or would not ask that the election should be held. Men who never paid a tax, and probably never will, can vote away the property of those who have accumulated a competency by their thrift and enterprise. The provisions for taxation are stringent, and the interests of the corporation effectually secured, but not the same care is taken for the interests of those who are to be made liable for these enormous subsidies. This aid is virtually given in favor of a corporation to which the most munificent grants have already been made, and which is supposed to be one of the most wealthy and powerful corporations on the continent.

All this is to be done for this corporation at the expense of the tax payers, when it is as certain as anything in the future, that the road up the valley will be, and must be built, without any great delay, if no subsidy whatever is granted. If the road is not built by one company, it soon will be by another. The Central Pacific Company cannot afford to wait. It must build the road, and that soon, in order to complete its system, and secure the trade of the vast and fertile region which lies along the San Joaquin and around its sources, as well as to control the transcontinental route along the thirty-fifth parallel.

The other bill provides for the construction of a road by the Southern Pacific Railroad Company, through Monterey and San Luis Obispo Counties. The same objections apply to this bill. No route is designated in the bill, nor is the number of miles limited in those counties. For aught that appears, there may be sixty, eighty or a hundred miles in either county. It is said that in San Luis Obispo the road would traverse a part of the county of little agricultural value, and the county, therefore, would be loaded with a crushing debt without any corresponding benefit. Indeed, there can hardly be any justification for placing such encumbrances upon those counties. This corporation has also a large and valuable land grant, which it will doubtless secure, and which is worth probably four or five millions of dollars. It must build its road or forfeit its grant. When it does build the road it will own it absolutely, with all the profit and advantage which may result from its operation.

In San Luis Obispo County the taxable property, real and personal, in eighteen hundred and sixty-nine, is given in the Controller's report at nine hundred and fifty-five thousand one hundred and eighty-seven dollars, of which five hundred and sixty thousand two hundred and eighty-three dollars was real estate. If there are sixty miles of railroad constructed in that county, the amount of bonds would be three hundred and sixty thousand dollars, and the amount of State debt, at the same ratio, would be about ninety millions, or nearly forty per cent. upon the total valuation of real and personal property in eighteen hundred and sixty-nine. No such debt could ever be paid. If the coast counties and the counties in the San Joaquin Valley are to be burdened with debt, as is contemplated by these bills, immigration would shun their borders. No man would be willing to settle or purchase property in an overtaxed and bankrupt county. The experience of counties in Iowa is not favorable to the policy sought to be inaugurated by these bills. We ought to profit by their unfortunate experience, and shun the financial ruin in which some of them are engulfed. Had there been nothing but a simple proposition for San Francisco to subscribe one million of dollars to secure three hundred additional miles of road, aside from the questionable principle involved, the results could not be disastrous; but the more I have reflected upon these bills, the more repugnant they seem to just principles and to sound policy.

It has been said, on another occasion, that "all the railroads we need will be built by private enterprise, without loading the State with an incubus of debt, crippling its finances for half a century, and furnishing a prolific source of corruption." The policy of county aid is far more liable to abuse and more dangerous than State aid, and while I regret to differ on this subject, from gentlemen for whose integrity and judgment I entertain great respect, I am content, for the justice and soundness of the views above expressed, to abide by the developments of the future.

I feel confident they will be sanctioned by the deliberate judgment of your honorable body, and that they will meet the wishes and expectations of our common constituents.

H. H. HAIGHT,  
Governor.

On motion of Mr. Mandeville, the Governor's message, together with the bills to which the same relates, was made the special order for tomorrow, at twelve o'clock M., and nine hundred and sixty copies ordered printed.

## REPORTS.

Mr. Morrill, from the Committee on Enrolment, made the following report:

**MR. PRESIDENT:** Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 455—An Act to establish and maintain public pounds in the several townships of the County of San Mateo.

Also, Senate Bill No. 618—An Act to grant leave of absence to the Surveyor-General.

Also, Senate Bill No. 500—An Act relative to the care and management of the State burial ground, etc.

Also, Senate Bill No. 57—An Act authorizing H. S. Sargent and others to lay down and maintain a railroad in Stockton.

Also, Senate Bill No. 624—An Act to authorize the City of San José to sell certain bonds.

Also, Senate Bill No. 469—An Act authorizing the publication of certain legal notices in a State paper printed at the seat of Government.

Also, Senate Bill No. 640—An Act concerning the construction of the State Capitol in the City of Sacramento.

Also, Senate Bill No. 588—An Act to authorize the Board of Supervisors of Yolo County to retain counsel to prosecute or defend proceedings in relation to claims against swamp land in District Number Eighteen.

Also, Senate Bill No. 522—An Act making an appropriation for deficiency in appropriation for the twentieth and twenty-first fiscal years.

Also, Senate Bill No. 238—An Act for the relief of T. F. Davenport.

Also, Senate Bill No. 613—An Act granting leave of absence to T. H. Holt.

Also, Senate Resolution No. 58—Relative to granting leave of absence to J. F. Eastman.

Also, Senate Bill No. 541—An Act to provide for the construction of a wagon road from Redwood City to the Town of Pescadero, in the County of San Mateo, and other matters relating thereto.

Also, substitute for Senate Bill No. 11—An Act to grant to certain parties the right of way for a railroad track within the corporate limits of the City and County of San Francisco, and use horse cars thereon.

Also, substitute for Senate Bill No. 130—An Act conferring further powers upon the State Board of Tide Land Commissioners named in and appointed under the Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight.

Also, substitute for Senate Bill No. 584—An Act concerning street railroads.

Also, Senate Bill No. 149—An Act concerning the Insane Asylum of the State of California.

Also, Senate Bill No. 626—An Act to amend an Act entitled an Act to raise a fund for the improvement of Napa City, approved January twenty-fourth, eighteen hundred and seventy.

Also, Senate Bill No. 217—An Act to regulate the elections of voluntary political associations and parties in the City and County of San Francisco, and to secure a fair expression of the choice of such associations and parties in the nomination of candidates.

Also, Senate Bill No. 289—An Act to better define the boundary line between Fresno and Mariposa Counties.

And this day, at one o'clock P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. Tompkins, from the Committee on Counties and County Boundaries, made the following report :

MR. PRESIDENT: The Committee on Counties and County Boundaries, to whom was referred Assembly Bill No. 438—An Act to locate the county seat for the County of Stanislaus—have had the same under consideration, and now respectfully report the same back with an amendment and recommend the passage of the bill as thus amended.

TOMPKINS, Chairman.

Mr. Betge, from the Committee on Commerce and Navigation, made the following report :

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Assembly Bill No. 500—An Act to authorize the construction of a swing and draw bridge across the San Antonio Creek, in the County of Alameda—have had the same under consideration and recommend its passage.

BETGE, Chairman.

Pursuant to notice, Mr. Pacheco moved to reconsider the vote by which Senate Bill No. 325 was indefinitely postponed.

Mr. Curtis moved to indefinitely postpone the motion to reconsider.

Upon which the ayes and noes were demanded by Messrs. Curtis, O'Connor and Pacheco, and the Senate refused, by the following vote :

AYES—Messrs. Comte, Curtis, Hutchings, Irwin, Murch, O'Connor, Pacheco, Perkins and Tweed—9.

NOES—Messrs. Banvard, Betge, Conly, Green, Hager, Lawrence, Lewis, Mandeville, McDougall, Minis, Morrill, Pendegast, Tompkins, Turner, Wilson and Wing—16

At three o'clock and twenty-five minutes P. M. Mr. Curtis moved a call of the Senate, which was ordered.

The roll was called, and the following Senators failed to respond to their names: Messrs. Farley, Chappell, Beach and Conn.

On motion of Mr. Mandeville, the further proceedings under the call were dispensed with.

Upon the motion to reconsider the vote by which Senate Bill No. 325 was indefinitely postponed, the ayes and noes were demanded by Messrs. Curtis, Pacheco and Comte, and the Senate refused, by the following vote :

AYES—Messrs. Banvard, Betge, Conly, Fowler, Gwin, Hager, Hunter, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, Pendegast, Tompkins, Wilson and Wing—18.

NOES—Messrs. Comte, Curtis, Green, Hutchings, Irwin, Kincaid, Larkin, Murch, O'Connor, Orr, Pacheco, Perkins, Roberts, Saunders, Turner and Tweed—16.



Mr. Banvard moved to suspend the rules, for the purpose of considering the bill engrossed and placing the same on its passage.

Upon which the ayes and noes were demanded by Messrs Curtis, Comte and Green, and the Senate refused, by the following vote:

**AYES**—Messrs. Banvard, Betge, Conly, Fowler, Gwin, Hunter, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Pendegast, Tompkins, Turner, Wilson and Wing—17.

**NOES**—Messrs. Comte, Curtis, Green, Hutchings, Irwin, Kincaid, Morrill, Murch, O'Connor, Orr, Pacheco, Perkins, Roberts, Saunders and Tweed—15.

The bill was ordered to be engrossed.

At three o'clock and thirty-five minutes P. M., on motion of Mr. Lewis, the Senate adjourned.

#### EVENING SESSION.

Senate met pursuant to adjournment.

President pro tem in the chair.

Roll called.

Quorum present.

[President in the chair.]

#### SPECIAL FILE.

Senate Bill No. 506—An Act to authorize the sale of certain salt marsh and tide lands in the County of Marin.

Mr. Green moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Green, Saunders and Irwin, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Beach, Betge, Chappell, Conn, Curtis, Farley, Green, Hunter, Hutchings, Irwin, Larkin, McDougall, Minis, Morrill, Saunders, Tompkins, Turner and Wilson—19.

**NOES**—Messrs. Comte, Conly, Fowler, Gwin, Hager, Lewis, Mandeville, Murch, O'Connor, Orr, Pendegast, Perkins, Roberts and Wing—14.

Senate Bill No. 548—An Act to empower the County of Monterey to aid in the construction of the Monterey and Salinas Valley Railroad.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 497—An Act conferring certain powers upon the Sonoma College Association.

Read a third time and passed.

Pursuant to notice, Mr. Kincaid moved to reconsider the vote by which the Senate, on yesterday, indefinitely postponed Assembly Bill No. 442.

Upon which the ayes and noes were demanded by Messrs. Pacheco, Conn and Kincaid, and the Senate refused, by the following vote:

**AYES**—Messrs. Banvard, Betge, Curtis, Fowler, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Minis, Morrill and Pendegast—15.

**NOES**—Messrs. Beach, Chappell, Comte, Conly, Conn, Gwin, Hager, Mandeville, McDougall, Murch, O'Connor, Orr, Pacheco, Roberts, Tompkins, Turner, Tweed and Wing—18.

Pursuant to notice, Mr. Lawrence moved to reconsider the vote by which Assembly Bill No. 289 was indefinitely postponed.

Mr. Conn moved to indefinitely postpone the motion to reconsider.

Mr. Lewis moved to make the motion to indefinitely postpone the special order for Thursday evening next, at eight o'clock.

Upon which the ayes and noes were demanded by Messrs. Conn, Betge and Pacheco, and the Senate refused, by the following vote :

**AYES**—Messrs. Beach, Betge, Green, Hunter, Kincaid, Larkin, Lawrence, Lewis, Minis, Morrill, Pendegast and Roberts—12.

**NOES**—Messrs. Comte, Conly, Conn, Farley, Fowler, Gwin, Hager, Hutchings, Irwin, Maclay, Mandeville, McDougall, Murch, O'Connor, Orr, Pacheco, Perkins, Saunders, Tompkins, Turner, Tweed, Wilson and Wing—23

Upon the motion to indefinitely postpone the motion to reconsider, the ayes and noes were demanded by Messrs. Conn, Lawrence and Conly, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Chappell, Comte, Conly, Conn, Farley, Fowler, Gwin, Hutchings, Irwin, Larkin, Maclay, Mandeville, McDougall, Morrill, O'Connor, Orr, Pacheco, Perkins, Saunders, Tompkins, Turner, Tweed, Wilson and Wing—24.

**NOES**—Messrs. Beach, Betge, Hunter, Kincaid, Lawrence, Lewis, Minis, Murch, Pendegast and Roberts—10.

Mr. Murch gave notice of a motion to reconsider the vote by which Assembly Bill No. 452 was passed.

Assembly Bill No. 622—An Act to encourage the building of railroads in Contra Costa County.

Read a third time and passed.

Assembly Bill No. 97—An Act relating to the Home of the Inebriate of San Francisco, and to prescribe the powers and duties of the Board of Managers and the officers thereof.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Read a third time and passed.

Assembly Bill No. 558—An Act to provide for the construction of a street railroad within the City and County of San Francisco.

Read a third time and passed.

Assembly Bill No. 648—An Act entitled an Act to confer further powers on the Mayor of the City and County of San Francisco.

Read a third time and passed.

Assembly Bill No. 619—An Act to incorporate the Fire Department of the City of San José.

Read a third time and passed.

Assembly Bill No. 652—An Act to divide the City of Oakland into wards, and to provide for the holding of elections therein.

Mr. Tompkins moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Tompkins, Banvard and Green, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Beach, Chappell, Conly, Conn, Green, Irwin, Lawrence, McDougall, Morrill, Murch, O'Connor, Orr, Perkins, Roberts, Tompkins, Tweed and Wing—17.

**NOES**—Messrs. Banvard, Comte, Curtis, Farley, Fowler, Gwin, Hager, Kincaid, Larkin, Lewis, Maclay, Mandeville, Minis, Pendegast, Saunders and Wilson—16.

Assembly Bill No. 291—An Act amendatory of and supplementary to an Act to incorporate the City of Nevada.

Read a third time and passed.

Assembly Bill No. 294—An Act to authorize and empower Joshua A. Neal to sell and convey all the property and estate of Maria and Josefa Neal, minor children of said Joshua and Bernal Neal, in certain lands in Alameda County.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

Assembly Bill No. 187—An Act concerning the office of County Clerk of the City and County of San Francisco.

Read a third time and passed.

Assembly Bill No. 361—An Act for the relief of T. D. Murphy, W. D. Murphy, G. E. Nottage, S. Malloy, M. J. Bolan, Courtland Wood, H. J. Quinn and Ira D. Thompson, all of the City and County of San Francisco.

Read a third time and passed.

Assembly Bill No. 362—An Act to regulate the distribution of the Police Fund of the City and County of San Francisco.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

The bill was read a third time and passed.

Mr. Irwin gave notice of a motion to reconsider the vote by which the Senate indefinitely postponed Assembly Bill No. 652.

[President pro tem. in the chair.]

Assembly Bill No. 282—An Act concerning certain ordinances of the Board of Supervisors of the City and County of San Francisco, and other matters.

Read a third time and passed.

Assembly Bill No. 433—An Act to amend section nine of an Act enti-

itled an Act to amend an Act entitled an Act amendatory of article four of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof.

Read a third time and passed.

Assembly Bill No. 324—An Act concerning estrays and animals found running at large in the County of Santa Cruz.

Senate receded from amendments, as reported by the Committee of Conference.

Assembly Bill No. 457—An Act to authorize the Board of Supervisors of the City and County of San Francisco to open and grade Market street in said city, from the intersection of said street with Valencia street to its intersection with Seventeenth street, and to condemn private property for the roadway of said street.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Read a third time and passed.

Assembly Bill No. 568—An Act to incorporate the Town of Brooklyn, and to define and establish the boundary line between said town and the City of Oakland.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Read a third time and passed.

At ten o'clock and five minutes P. M., on motion of Mr. Green, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

#### IN SENATE.

SENATE CHAMBER,  
Wednesday, March 30th, 1870. }

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Indefinite leave of absence was granted to Mr. Burnett, and for one day to Mr. Wand.

**PETITION.**

By Mr. Conn—From the San Bernardino Agricultural Society.  
Read and laid on the table.

**REPORTS.**

Mr. O'Connor, from the Committee on Engrossment, made the following report :

**Mr. PRESIDENT:** The Committee on Engrössment have examined and find correctly engrossed Senate Bill No. 594—An Act to perfect titles to lands granted by the United States to the State of California.

Also, Senate Bill No. 325—An Act to provide for the payment of certain witnesses in the case of *The People vs Horace Smith*.

Also, Senate Bill No. 382—An Act to provide for the destruction of wolves and coyotes.

O'CONNOR, Chairman

Mr. Curtis, from the Committee on Claims, made the following report :

**Mr. PRESIDENT:** The Committee on Claims have considered Assembly Bill No. 389—An Act to pay the claim of Thomas R. Eldredge—report it back and recommend its passage.

Also, Assembly Bill No. 171—An Act for the relief of John C. Cartheche, Deputy Sheriff of El Dorado County—report it back with-out recommendation.

Also, Assembly Bill No. 528—An Act for the relief of Thomas E. Hughes—report it back and recommend its reference to the Stanislaus delegation, as the subject matter of said bill relates alone to that county.

CURTIS, Chairman.

Mr. Minis verbally reported substitute for Assembly Bill No. 119 and recommended its passage.

The rules were suspended and substitute for Assembly Bill No. 119, above reported, was read a third time and passed.

Mr. Minis verbally reported Assembly Bill No. 589 and recommended its passage.

The rules were suspended and Assembly No. 589, above reported, was read a third time and passed.

Mr. Saunders, from the Committee on Corporations, made the following report :

**Mr. PRESIDENT:** The Committee on Corporations, to whom was referred Senate Bill No. 620—An Act amendatory of and supplemental to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine—report the same back and recommend that it be passed.

Also, Assembly Bill No. 718—An Act to ratify and confirm the transactions of the First Unitarian Society of San Francisco and of the corporation The Board of Directors of the First Unitarian Society of San Francisco, California—report the same back and recommend its passage.

Also, Senate Bill No. 653—An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the manage-

ment of the affairs thereof and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, and an Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three—report the same back and recommend its passage.

SAUNDERS, Chairman.

On motion of Mr. Comte, the rules were suspended for the consideration of Assembly Bill No. 718, above reported.

The rules were further suspended. bill read a third time and passed.

Mr. Lawrence verbally reported Senate Bill No. 657 and recommended its passage.

On motion of Mr. Lawrence, the rules were suspended for the consideration of Senate Bill No. 657, above reported.

Mr. Minis moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Minis, O'Connor and Hunter, and the Senate refused, by the following vote :

AYES—Messrs. Curtis, Farley, Hunter, Hutchings, Minis, O'Connor and Pacheco—7.

NOES—Messrs. Banvard, Betge, Chappell, Conly, Conn, Fowler, Green, Gwin, Hager, Irwin, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Murch, Orr, Pondagast, Perkins, Roberts, Saunders, Tompkins, Tweed, Wand, Wilson and Wing—28.

The rules were further suspended, bill considered engrossed, read a third time and passed

Mr. Banvard, from the Committee on Finance, made the following reports :

MR. PRESIDENT : Your Committee on Finance, to whom was referred Assembly Bill No 657—An Act making appropriations for the support of the civil government of the State of California for the twenty-second and twenty-third fiscal years, commencing on the first day of July, eighteen hundred and seventy, and ending on the thirtieth of June, eighteen hundred and seventy-two—respectfully report that they have had the same under consideration, and report the same back, with amendments, and recommend its passage as amended.

BANVARD, Chairman.

MR. PRESIDENT : Your committee have had under consideration Assembly Bill No 680—An Act appropriating money for the support of the several charitable institutions therein specified, during the twenty-second and twenty-third fiscal years, commencing on the first day of July, eighteen hundred and seventy, and ending on the thirtieth day of June, eighteen hundred and seventy-two, inclusive—report the same back, with amendments, and recommend its passage as amended.

BANVARD, Chairman.

On motion of Mr. Mandeville, Assembly Bills Nos. 680 and 657, above reported, were made the special order for this afternoon, at three o'clock.

Mr. Mandeville, from the Committee on Elections, made the following report :

**Mr. PRESIDENT:** The Committee on Elections beg leave to report Senate Bill No. 437—An Act amendatory of an Act relating to elections—and recommend its passage.

Also, Senate Bills Nos. 581 and 437, for the consideration of the Senate.

**MANDEVILLE, Chairman.**

On motion of Mr. Mandeville, Senate Bills Nos. 437 and 581, above reported, were made the special order for this afternoon, at two and a half o'clock.

**Mr. Hutchings,** from the Committee on Roads and Highways, made the following report :

**Mr. PRESIDENT:** The Committee on Roads and Highways, to whom was referred Assembly Bill No. 553—An Act to ratify and confirm the corporate acts of the Salinas and Pajaro Turnpike Road Company—respectfully report : That the bill, by its terms, legalizes and makes valid all the acts of said company. That their lawful acts do not require confirmation, and that to make valid their illegal acts, without even knowing what they are, would be a species of legislation not to be commended. The committee therefore recommend that the bill be indefinitely postponed.

**HUTCHINGS, Chairman**

**Mr. Larkin** made the following report :

**Mr. PRESIDENT:** Your committee, to whom was referred Assembly Bill No. 693—An Act to amend an Act entitled an Act to regulate fees of office, approved March fifth, eighteen hundred and seventy—have had the same under consideration and would report the same back and recommend its passage.

**LARKIN, Chairman.**

[**Mr. Mandeville** in the chair.]

**Mr. O'Connor,** from the Committee on Engrossment, made the following report :

**Mr. PRESIDENT:** The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 503—An Act to amend an Act to provide for a system of common schools.

**O'CONNOR, Chairman.**

**Mr. Pendegast,** from the Committee on Public Lands, made the following report :

**Mr. PRESIDENT:** The Committee on Public Lands, having had under consideration Senate Bill No. 12—An Act for the relief of purchasers of lands of the State of California—report the same back without recommendation.

Also, Senate Bill No. 290—An Act amendatory of and supplementary to an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight—report the same back without recommendation.

Also, Assembly Concurrent Resolution No. 84—Concerning lands in the desert west of Fort Yuma—report the same back without recommendation.

Also, Assembly Bill No. 427—An Act in relation to the school lands of the State—report the same back without recommendation.

Also, Assembly Bill No. 637—An Act to amend an Act entitled an Act to provide for the management and sale of the lands belonging to the State—report the same back without recommendation.

PENDEGAST, Chairman.

Mr. Saunders, from the San Francisco delegation, made the following report:

MR. PRESIDENT: The San Francisco delegation, to whom was referred Assembly Bill No. 694—An Act to change the grade of Leavenworth street, from Vallejo street to Union street, in the City and County of San Francisco—having had the same under consideration, beg leave to report the same back and recommend its passage.

Also, Assembly Bill No. 690—An Act concerning the Magdalen Asylum of the City and County of San Francisco; also, Assembly Bill No. 517—An Act to provide for a charter for the City and County of San Francisco—having duly considered them, and each of them, beg leave to report the same back to the Senate and recommend their passage.

Having duly considered Senate Bill No. 533, beg leave to report the same back to the Senate and recommend its passage.

SAUNDERS, for Delegation.

Mr. Betge moved to suspend the rules for the consideration of Assembly Bill No. 694, above reported.

Lost.

Mr. Conn made the following report:

MR. PRESIDENT: The delegation from Los Angeles, San Diego and San Bernardino, the three counties comprising the Seventeenth Judicial District, have had under consideration Assembly Bill No. 380—An Act to create the Nineteenth Judicial District—and beg leave to make the following report:

The Seventeenth Judicial District, which this bill proposes to divide, was created at the last session of the Legislature by dividing the First Judicial District. The creation of the proposed new district would make three judicial districts where one only existed two years ago. And, although there may be a necessity for the reorganization of the judicial districts of this State, your committee are of the unanimous opinion that the organization of the proposed district, by dividing the seventeenth, is wholly unnecessary, and would involve an additional burden on the people of the district, as well as an outlay of four thousand dollars per annum from the State treasury, without commensurate benefit to the people, and for which they do not ask. The business of the Seventeenth Judicial District is at present less than that of many other judicial districts of the State, and its transaction does not subject suitors to loss by reason of unnecessary delay.

Your committee believe that the creation of new offices, to be filled by the Governor, should be carefully considered, deeming the same, unless under urgent necessity, to be against public policy.



Your committee, therefore, return the bill, with the request that it be referred to the Judiciary Committee, accompanied by this report.

CONN,  
WILSON,  
Delegation.

On motion of Mr. Conn, Assembly Bill No. 380, above reported, was referred to the Judiciary Committee, with instructions to report the same on to-morrow.

Mr. Hager verbally reported Assembly Bill No. 449, with amendments, and, as amended, recommended its passage.

Mr. McDougall verbally reported Assembly Bill No. 706, and recommended its passage.

The rules were suspended, bill read a third time and passed.

Mr. Wilson verbally reported Senate Bill No. 557 and Senate Bill No. 450, and recommended that the Senate concur in the amendments made to said bill by the Assembly.

The rules were suspended, amendments severally read and concurred in by the Senate.

Mr. Maclay, from the Committee on Culture of the Grape, made a report, the reading of which was dispensed with and two thousand copies ordered printed.

[For report, see Appendix.]

Mr. Morrill, from the Committee on Enrolment, made the following report:

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 221—An Act providing for the adoption of minors and the legitimizing of children born out of wedlock.

Also, Senate Concurrent Resolution No. 60—Relative to authorizing the Enrolling Clerk of the Senate to correct error in Senate bill.

Also, Senate Bill No. 298—An Act concerning the City of Vallejo, and to ratify and confirm a certain ordinance of the Trustees thereof.

Also, Senate Bill No. 153—An Act to equalize taxation among the counties of this State.

Also, Senate Bill No. 59—An Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation.

Also, Senate Bill No. 514—An Act for the relief of J. Scott Ashman, formerly Sheriff of Fresno County.

Also, Senate Resolution No. 46—Relative to requesting the Postmaster-General to establish Post-offices on the road from Red Bluff to Strawberry Valley, Siskiyou County.

Also, Senate Bill No. 568—An Act to reincorporate the City of Stockton.

And this day, at eleven o'clock and forty-five minutes A. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. Banvard, from the Committee on Finance, made the following report:

Mr. PRESIDENT: Your Committee on Finance report that they have

had under consideration Senate Bill No. 658, and recommend its passage as amended.

**BANVARD, Chairman.**

On motion of Mr. Banvard, the rules were suspended for the consideration of Senate Bill No. 658, above reported.

The rules were further suspended, bill considered engrossed, read a third time and passed.

Mr. Pendegast verbally reported Assembly Bill No. 708, and recommended its passage.

The rules were suspended, bill read a third time and passed.

Mr. Green made the following report :

**MR. PRESIDENT :** Your committee, to whom was referred Assembly Bill No. 586—An Act to provide for the removal of the Danville District school house, in Contra Costa County—have had the same under consideration, and report the same back and recommend its passage.

**GREEN, for Delegation.**

The rules were suspended and Assembly Bill No. 586, above reported, read a third time and passed.

Mr. Green verbally reported Assembly Bill No. 340, and recommended its passage.

#### GENERAL FILE.

Governor's message, returning without his approval Senate Bill No. 244—An Act to empower the City and County of San Francisco and the Counties of Monterey and San Luis Obispo to aid in the construction of the Southern Pacific Railroad ; and Senate Bill No. 243—An Act to empower the Counties of Stanislaus, Merced, Fresno, Tulare and Kern to aid in the construction of a railroad in said counties.

[President in the chair.]

Upon the question, "Shall Senate Bill No. 244 become a law, notwithstanding the objection of the Governor?" the roll was called, and the Senate refused, by the following vote :

**AYES**—Messrs. Banvard, Beach, Betge, Chappell, Comte, Conly, Curtis, Farley, Green, Gwin, Hutchings, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murch, Orr, Pacheco, Roberts, Saunders, Tompkins, Turner, Tweed, Wilson and Wing—26.

**NOES**—Messrs. Burnett, Conn, Fowler, Hager, Hunter, Irwin, Larkin, Lewis, Mandeville, Minis, O'Connor, Pendegast, Perkins and Wand—14.

Mr. Green moved to make Senate Bill No. 243, together with the Governor's message, the special order for to-morrow, at two o'clock p. m.

Upon which the ayes and noes were demanded by Messrs. Fowler, Lewis and O'Connor, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Beach, Betge, Chappell, Comte, Conly, Curtis, Green, Gwin, Hutchings, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murch, Orr, Pacheco, Roberts, Tompkins, Turner, Tweed, Wilson and Wing—24.

**NOES**—Messrs. Burnett, Conn, Farley, Fowler, Hager, Hunter, Irwin, Larkin, Lewis, Mandeville, O'Connor, Pendegast, Perkins, Saunders and Wand—15.

## REPORTS.

Mr. Lawrence made the following report :

Mr. PRESIDENT: The delegation to whom was referred Assembly Bill No. 528—An Act for the relief of Thomas E. Hughes—report the same back and recommend its passage.

LAWRENCE, for Delegation.

On motion of Mr. Lawrence, the rules were suspended and Assembly Bill No. 528, above reported, read a third time and passed.

Mr. Maclay verbally reported Assembly Bill No. 689, and recommended its passage.

The rules were suspended and Assembly Bill No. 689, above reported, was read a third time and passed.

Mr. Saunders had leave to introduce the following resolution :

*Resolved*, That the sum of one hundred dollars be appropriated out of the Contingent Fund of the Senate and allowed to William J. Lewis, for attendance at Sacramento City before the Committee on Corporations, as a witness and expert in the matter of Senate Bill No. 62.

Referred to the Committee on Contingent Expenses.

Mr. Wand, from the San Francisco délegation, made the following report :

Mr. PRESIDENT: The San Francisco delegation, to whom was referred Senate Bill No. 631, have had the same under consideration, and would respectfully report the same back with an amendment and recommend its passage as amended.

KINCAID,  
BETGE,  
WAND,  
SAUNDERS.

On motion of Mr. Wand, the rules were suspended for the consideration of Senate Bill No. 631, above reported.

The bill was considered in Committee of the Whole and amended.

## IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Kincaid verbally reported Assembly Bill No. 667, and recommended its passage.

The rules were suspended and Assembly Bill No. 667, above reported, read a third time and passed.

[Mr. Roberts in the chair.]

Mr. Wilson verbally reported Assembly Bill No. 701, and recommended its passage.

The rules were suspended, and Assembly Bill No. 701, above reported, read a third time and passed.

Mr. Conly had leave to introduce the following resolution :

*Resolved.* That E. Covington, Assistant Enrolling Clerk, be allowed the sum of sixty dollars, out of the Senate Contingent Fund.

Read and referred to the Committee on Contingent Expenses.  
By the same :

*Resolved,* That Philip Oppenheim be and he is hereby allowed the sum of five (\$5.00) dollars per diem, for services rendered as assistant in the office of the Sergeant-at-Arms of the Senate, from the commencement of the session to the close thereof, payable out of the Contingent Fund of the Senate.

Read and referred to the Committee on Contingent Expenses.

Mr. Pacheco verbally reported Assembly Bill No. 522, and recommended its passage.

Mr. Kincaid verbally reported Assembly Bill No. 700, and recommended its passage.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
March 28th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-eighth day of March, passed Assembly Bill No. 714—An Act to provide for funding of the indebtedness of Levee District Number One of Sutter County.

Also, Assembly Bill No. 717—An Act for the recording of the papers filed in the Probate Court of the County of Santa Clara in certain cases.

Also, Assembly Bill No. 710—An Act concerning the Road Fund of certain districts in Placer County.

Also, Assembly Bill No. 716—An Act to amend an Act concerning the office of District Attorney of Yuba County.

Also, Constitutional Amendment No. 3—Relative to time of meeting of the Legislature.

Also, Joint Resolution No. 62—Relative to Julian's bill.

Also, Assembly Bill No. 715—An Act concerning the Supervisors of Santa Cruz County.

Also, amended and passed Senate Bill No. 223—An Act to provide for the improvement of public parks in San Francisco.

FERRAL,  
Chief Clerk.

ASSEMBLY CHAMBER,  
March 28th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-sixth instant, passed Assembly Bill No. 660—An Act making appropriations for deficiencies in the appropriations for the nineteenth, twentieth and twenty-first fiscal years, ending on the thirtieth of June, eighteen hundred and seventy.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 29th, 1870. }

**Mr. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on this day, passed, under a suspension of the rules, Assembly Bill No. 395—An Act concerning revenue.

MOFFITT,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 29th, 1870. }

**Mr. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 644—An Act to provide for the payment of the salaries of certain officers in the County of Shasta.

Also, Assembly Bill No. 723—An Act to create a Board of Education for the City of Marysville.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 29th, 1870. }

**Mr. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on yesterday, passed substitute for Assembly Bill No. 265—An Act amendatory of and supplementary to an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto.

Also, Assembly Bill No. 341—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State.

Also, Senate Bill No. 648—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the liquidation and payment of the indebtedness of the City of Marysville, in Yuba County, and for other purposes.

Also, Senate Bill No. 448—An Act to authorize the Treasurer of Tuolumne County to apportion certain money to the Current Expense Fund of said county, and to pay certain warrants.

Also, Senate Bill No. 603—An Act to provide for the liquidation of all claims against the State, not otherwise provided for by law.

Also, substitute for Senate Bill No. 113—An Act for the relief of Charles Welsh.

And, on this day, adopted Senate Concurrent Resolution No. 61—Relative to landing Chinese women on our shores.

Also, Senate Concurrent Resolution No. 63—Relative to lowering flag on the dome of the Capitol at half-mast, in honor of the memory of Major-General George H. Thomas, deceased.

Also, passed Assembly Bill No. 299—An Act amendatory of and supplementary to an Act entitled an Act relating to fire and marine insurance companies, approved April second, eighteen hundred and sixty-six.

Also, Assembly Bill No. 733—An Act to fix the rate of taxation for State purposes.

Also, Senate Bill No. 486—An Act to pay for work done in the State Land Office.

And, on the twenty-eighth instant, passed substitute for Assembly Bill No. 373—An Act to amend an Act entitled an Act to amend an Act entitled an Act amendatory of article fourth of an Act entitled an Act to repeal the several charters of the City and County of San Francisco, to establish the boundaries of the City and County of San Francisco and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six, repealing sections thirty-six to seventy-four, inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said article four, approved April twenty-fifth, A. D. eighteen hundred and sixty-two, and to amend sections one and five of an Act amendatory of the Act aforesaid, approved April twenty-fifth, eighteen hundred and sixty-three, and to amend section two of an Act amendatory of the Act first mentioned aforesaid, approved March thirty-first, eighteen hundred and sixty-six, and to amend sections one, three and five of an Act amendatory of the Act first mentioned aforesaid, approved March twenty-sixth, eighteen hundred and sixty-eight, being the original sections one, two, four, six, nine, eleven, twelve, thirteen, seventeen and twenty-one of the Act mentioned first aforesaid, and to repeal an Act for paving the streets of the City and County of San Francisco, approved March fourteenth, eighteen hundred and sixty-eight.

Also, Assembly Bill No. 458—An Act to declare Old San Joaquin River and Indian or Pescadero Slough navigable.

Also, Assembly Bill No. 606—An Act in relation to sales and conveyances made by the Pacific Savings' and Homestead Association.

Also, Assembly Bill No. 621—An Act to amend an Act entitled an Act in relation to public roads in the County of Amador and to the Road Fund of said county.

Also, Assembly Bill No. 416—An Act declaring Bull Creek navigable.

Also, substitute for Assembly Bill No. 100—An Act granting to E. A. Mason and his assigns the right to construct and maintain a weir or fish trap in the Straits of Carquinez, in the County of Contra Costa.

Also, substitute for Assembly Bill No. 122—An Act to amend an Act entitled an Act defining the legal distances from each county seat to the Capitol, Lunatic Asylum and State Prison.

Also, on yesterday, passed Senate Bill No. 531—An Act to provide for the Government of the State Prison, and to authorize the Board of Directors to adopt the Irish system of discipline therein.

Also, Senate Bill No. 48—An Act for the relief and support of the California Labor and Employment Exchange.

Also, substitute for Senate Bill No. 629—An Act to empower the County of Plumas to aid in the construction of the Marysville and Ogden Railroad.

Also, Senate Bill No. 300—An Act providing for the appointment of additional Notaries Public in Sacramento County.

And, on the twenty-eighth, passed Assembly Bill No. 709—An Act to amend an Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation, passed at the eighteenth session of the Legislature.

Also, Assembly Bill No. 544—An Act to authorize the establishment of a steam ferry between the Village of Tomales and the opposite side of Tomales Bay to Laird's Landing, in Marin County, and to construct wharves and docks for the same.

Also, Assembly Bill No. 578—An Act to authorize Thomas Brady.

John McDermitt, their associates and assigns, to lay down gas pipes in the Town of San Rafael.

Also, Assembly Bill No. 611—An Act to authorize the Board of Supervisors of Mendocino County to levy an additional tax for the construction of a wagon road from Ukiah to Mendocino City, and to repair and improve the wagon road from Ukiah City to Cloverdale.

Also, Assembly Bill No. 634—An Act authorizing the County Treasurer of the County of Santa Clara to pay certain claims against said county.

Also, Assembly Bill No. 476—An Act to amend an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight.

Also, Assembly Bill No. 628—An Act to repeal an Act entitled an Act creating the offices of Township Collectors and Assessors in the Counties of El Dorado and Amador.

Also, Assembly Concurrent Resolution No. 63—Authorizing the Controller of State to draw warrants on Contingent Fund of Senate and Assembly in favor of Joseph Neumann.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bill No. 223, above reported, amendments made in Assembly concurred in by the Senate.

Substitute for Assembly Bill No. 265, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 341, above reported, read first and second times and referred to the Finance Committee.

Assembly Bill No. 458, above reported, read first and second times and referred to the Committee on Commerce and Navigation.

Substitute for Assembly Bill No. 373, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 606, above reported, read first and second times and referred to the Committee on Corporations.

Assembly Bill No. 395, above reported, read first and second times and referred to the Finance Committee.

Assembly Bill No. 621, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 714, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 416, above reported, read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 717, above reported, read first and second times and referred to the Santa Clara delegation.

Assembly Bill No. 710, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 716, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 715, above reported, read first and second times and referred to the Santa Cruz delegation.

Assembly Bill No. 660, above reported, read first and second times, rules suspended, bill considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate, read a third time and passed.

Senate Bill No. 531, above reported, amendments made by the Assembly concurred in by the Senate.

Proposed amendments to the Constitution, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 723, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 733, above reported, read first and second times and referred to the Finance Committee.

Assembly Joint Resolution No. 62, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 299, above reported, read first and second times and referred to the Committee on Corporations.

Substitute for Assembly Bill No. 100, above reported, read first and second times and referred to the Committee on Commerce and Navigation.

Assembly Bill No. 709, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 122, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Concurrent Resolution No. 53, above reported, read first and second times and referred to the Finance Committee, with instructions to report on to-morrow.

Assembly Bill No. 476, above reported, read first and second times and referred to the Yolo and Solano delegations.

Assembly Bill No. 634, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 611, above reported, read first and second times and referred to the Mendocino delegation.

Assembly Bill No. 578, above reported, read first and second times and referred to the Marin delegation.

Assembly Bill No. 544, above reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 628, above reported, read first and second times and referred to the Amador and El Dorado delegations.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
March 30th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed, with amendments, Senate Bill No. 597—An Act to prevent double taxation.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Senate Bill No. 597, above reported, with amendments.

Mr. Lawrence moved to place the bill at the head of the file for Friday next.

Upon which the ayes and noes were demanded by Messrs. Peach, O'Connor and Chappell, and the Senate so ordered, by the following vote:



**AYES**—Messrs. Beach, Chappell, Green, Hunter, Hutchings, Larkin, Lawrence, Maclay, Minis, Morrill, Muroh, O'Connor, Orr, Pacheco, Roberts, Turner, Wilson and Wing—18.

**NOES**—Messrs. Banvard, Betge, Comte, Conly, Curtis, Farley, Hager, Irwin, Kincaid, Mandeville, McDougall, Perkins, Saunders, Tompkins, Tweed and Wand—16.

On motion of Mr. Beach, the usual number of copies of the bill was ordered printed as amended.

Mr. Farley, from the Amador and El Dorado delegation, verbally reported Assembly Bill No. 28, and recommended its passage.

The rules were suspended, bill considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

#### INTRODUCTION OF BILLS.

Bills were introduced (on leave) as follows :

By Mr. Pacheco—An Act granting leave of absence to Antonio F. Coronel, Treasurer of the State of California.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

Also, an Act to legalize assessments and to provide for the collection of delinquent taxes in the County of San Luis Obispo.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

By Mr. Perkins—An Act to fix the terms of the District Court of the Second Judicial District.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

Also, an Act to amend an Act entitled an Act to encourage the planting and cultivation of shade and fruit trees upon the public roads and highways of this State, approved March thirtieth, eighteen hundred and sixty-eight.

Read first and second times and referred to the Committee on Agriculture, with instructions to report to-morrow.

By Mr. Mandeville—An Act to establish the California State Board of Immigration and define the duties and powers thereof.

Read first and second times, rules suspended and bill ordered second on general file for to-morrow.

By Mr. Minis—An Act supplementary to an Act entitled an Act to provide for compensating parties whose property may be destroyed in consequence of mobs or riots, approved March twenty-seventh, eighteen hundred and sixty-eight.

Read first and second times, rules suspended, bill considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate, and bill read a third time.

Upon the passage of the bill, the ayes and noes were demanded. Messrs. Chappell, Green and Hunter, and the bill was passed, by following vote:

**AYES**—Messrs. Betge, Comte, Curtis, Farley, Green, Hunter, Irvin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, Minis, O'Connor and Tweed—16.

**NOES**—Messrs. Beach, Chappell, Conly, Hager, Murch, Orr, Pendeg, Perkins, Roberts, Saunders, Tompkins, Turner, Wand and Wing—14.

The President presented a communication from the House Carpenters Eight Hour League, Number One, of San Francisco, which was read and laid on the table.

At four o'clock and twenty-five minutes P. M., on motion of Mr. Conly, the Senate adjourned.

#### EVENING SESSION.

Senate met pursuant to adjournment.

President pro tem. in the chair.

Roll called.

Quorum present.

#### REPORT.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

**MR. PRESIDENT:** The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 631—An Act to authorize the City and County of San Francisco to purchase the property and right of the Mission Bay Bridge Company.

O'CONNOR, Chairman.

[President in the chair.]

#### SPECIAL FILE.

Assembly Bill No. 310—An Act to establish a morgue for the City and County of San Francisco.

Mr. Hager presented a petition from physicians of the City of San Francisco, for the passage of said bill, which was read and laid on the table.

Mr. Saunders moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Hager, Saunders and Green, and the Senate refused, by the following vote:

**AYES**—Messrs. Hager, Hunter, Hutchings, Pacheco, Saunders and Wand—6.

**NOES**—Messrs. Banvard, Beach, Betge, Chappell, Conly, Conn, Fowle, Gwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougal, Minis, Morrill, O'Connor, Orr, Roberts, Tompkins, Turner, Tweed and Wing—24.

The bill was read a third time and passed.

Mr. Green gave notice that he would, on to-morrow, move a reconsideration of the vote whereby the Senate refused to pass Senate Bill No. 244—An Act to empower the City and County of San Francisco and

unities of Monterey and San Luis Obispo to aid in the construction of the Southern Pacific Railroad, and other purposes—notwithstanding the veto of the Governor.

Mr. Mandeville gave notice that he would, on to-morrow, raise the point of order that Mr. Green had no right to give the notice.

Assembly Bill No. 432—An Act for the relief of Lovick P. Hall and Samuel J. Garrison.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Mr. Fowler moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Fowler, Comte and McDougall, and the Senate refused, by the following vote :

**AYES**—Messrs. Conly, Conn, Curtis, Fowler, Hunter, Larkin, Lawrence, McDougall, O'Connor, Roberts, Tompkins, Turner, Wilson and Wing—14.

**NOES**—Messrs. Comte, Farley, Green, Gwin, Hager, Hutchings, Irwin, McNauid, Lewis, Maclay, Mandeville, Minis, Morrill, Murch, Orr, Pacheco, Saunders, Tweed and Wand—19.

Mr. Fowler moved to amend the bill by striking therefrom the name Samuel J. Garrison, wherever the same appears in the bill.

Lost.

The bill was read a third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Fowler, Banvard and Lawrence, and the bill was passed, by the following vote :

**AYES**—Messrs. Comte, Farley, Gwin, Hager, Hunter, Hutchings, Irwin, McNauid, Lewis, Maclay, Mandeville, Minis, Morrill, Murch, Orr and Wing—16.

**NOES**—Messrs. Banvard, Conn, Curtis, Fowler, Larkin, Lawrence, McDougall, O'Connor, Tompkins, Turner, Wilson and Wing—12.

Pursuant to notice, Mr. Irwin moved to reconsider the vote by which Assembly Bill No. 652 was indefinitely postponed.

Mr. Tompkins moved to indefinitely postpone the motion to reconsider. Upon which the ayes and noes were demanded by Messrs. Comte, Irwin and Lewis, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Beach, Chappell, Comte, Conly, Conn, Curtis, Fowler, Green, Gwin, Hutchings, Lawrence, Maclay, McDougall, Morrill, Murch, O'Connor, Orr, Pacheco, Perkins, Roberts, Tompkins, Turner, Wilson and Wing—26.

**NOES**—Messrs. Farley, Hager, Hunter, Irwin, Larkin, Lewis, Mandeville, Minis, Saunders and Wand—10.

Pursuant to notice, Mr. Murch moved to reconsider the vote by which the Senate refused to pass Assembly Bill No. 452.

Mr. Mandeville moved to indefinitely postpone the motion to reconsider.

Lost.

Upon the motion to reconsider, the ayes and noes were demanded by Messrs. Farley, Banvard and Mandeville, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Beach, Chappell, Conly, Green, Gwin, Hager, Hutchings, Maclay, McDougall, Murch, O'Connor, Orr, Pacheco, Perkins, Roberts, Tompkins, Turner, Tweed, Wand, Wilson and Wing—21.

**NOES**—Messrs. Banvard, Betge, Comte, Curtis, Farley, Hunter, Irwin, Kincaid, Larkin, Lewis, Mandeville, Minis, Morrill and Saunders—14.

Mr. Farley moved to lay the bill on the table.

Lost.

The bill was read a third time and passed.

Mr. Kincaid gave notice of a motion to reconsider the vote by which Assembly Bill No. 452 was passed.

Assembly Bill No. 389—An Act to pay the claim of T. R. Eldredge.

Read a third time and passed.

Assembly Bill No. 690—An Act concerning the Magdalen Asylum of the City and County of San Francisco.

Read a third time and passed.

Assembly Bill No. 171—An Act for the relief of John Cartheche, Deputy Sheriff of El Dorado County.

Read a third time and passed.

Senate Bill No. 147—An Act for the relief of John Kneland.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 553—An Act to ratify and confirm the corporate acts of the Salinas and Pajaro Turnpike Road Company.

Indefinitely postponed.

Assembly Bill No. 517—An Act to provide for a charter for the City and County of San Francisco.

Read a third time and passed.

[Mr. Pendegast in the chair.]

Assembly Bill No. 694—An Act to change the grade of Leavenworth street and Vallejo street, in the City and County of San Francisco.

Passed on file.

Mr. Roberts gave notice of the introduction of an amendment to the standing rule relative to the file.

Senate Bill No. 329—An Act to authorize the construction of a railroad from the Town of Santa Clara to the City of San José, Santa Clara County.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate concurrent resolution, relative to weekly mail route in Klamath County.

Read a third time and adopted.

Senate Bill No. 96—An Act to donate to the Society of California Pioneers the use and occupancy of a certain piece of land in the City and County of San Francisco.

Indefinitely postponed.

Senate Bill No. 230—An Act to enable the California Pacific Railroad and others to come into the City of Sacramento, and other matters relating thereto.

Mr Tompkins moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Minis, Larkin and Chappell, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Betge, Comte, Curtis, Green, Gwin, Irwin, Kincaid, Lawrence, Maclay, McDougall, Minis, Murch, Pacheco, Tompkins, Wand, Wilson and Wing—18.

**NOES**—Messrs. Conly, Fowler, Hunter, Larkin, Mandeville, Morrill, O'Connor, Saunders and Turner—9.

Mr. Minis gave notice of a motion to reconsider the vote by which Senate Bill No. 230 was indefinitely postponed.

At ten o'clock and fifty minutes P. M., on motion of Mr. Fowler, the Senate adjourned.

WILLIAM HOLDEN,  
President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Thursday, March 31st, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 548—An Act to empower the County of Monterey to aid in the construction of the Monterey and Salinas Valley Railroad.

O'CONNOR, Chairman.

Mr Fowler, from the Committee on Agriculture, made the following report:

Mr. PRESIDENT: Your committee, to whom was referred Senate Bill No. 607, have duly considered the same, report a substitute for the original bill, and recommend the passage of the substitute.

FOWLER, Chairman.

On motion of Mr. Fowler, the rules were suspended for the consideration of Senate Bill No. 607, above reported.

Substitute reported by committee adopted.

Read first and second times, rules suspended, bill read a third time and passed.

Mr. Morrill, from the Committee on Enrolment, made the following report :

**Mr. PRESIDENT:** Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 623—An Act supplementary to and amendatory of an Act entitled an Act to provide for the location, construction and maintenance of public roads in the County of Nevada.

Also, Senate Concurrent Resolution No. 61—Relative to the Chinese.

Also, Senate Bill No. 48—An Act for the relief and support of the California Labor and Employment Exchange.

Also, Senate Bill No. 648—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the liquidation and payment of the indebtedness of the City of Marysville, in Yuba County.

Also, substitute for Senate Bill No. 113—An Act for the relief of Charles Welsh.

Also, Senate Bill No. 603—An Act to provide for the liquidation of all claims against the State not otherwise provided for by law.

Also, Senate Concurrent Resolution No. 63—Relative to General George H. Thomas, deceased.

Also, Senate Bill No. 448—An Act to authorize the Treasurer of Tuolumne County to apportion certain money to the Current Expense Fund of said county, and to pay certain warrants.

Also, Senate Bill No. 595—An Act authorizing the Board of Supervisors of Sierra County to build a certain wagon road in said county, and to issue bonds therefor.

And this day, at four o'clock P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. Banvard, from the Committee on Finance, made the following report :

**Mr. PRESIDENT:** Your Committee on Finance, to whom was referred Assembly Bill No. 635—An Act to pay the claim of McNally & Hawkins—report the same back and recommend its passage.

Also, Assembly Bill No. 572—An Act to encourage tin mining in this State—without recommendation.

Also, Assembly Concurrent Resolution No. 53—Authorizing the Controller of State to draw a warrant on the Contingent Fund of the Senate and Assembly in favor of Joseph Neumann—and recommend its adoption.

BANVARD, Chairman.

On motion of Mr. Banvard, the rules were suspended for the consideration of Assembly Bill No. 635 and Assembly Concurrent Resolution No. 53, above reported.

Assembly Bill No. 635 was read a third time and passed.

Assembly Concurrent Resolution No. 53 was read a third time.

Upon the adoption of the resolution, the ayes and noes were demanded

by Messrs. Banvard, Betge and Chappell, and the Senate refused, by the following vote :

**AYES**—Messrs. Banvard, Beach, Betge, Chappell, Green, Larkin, Lawrence, Maclay, Mandeville, McDougall, Minis, Orr, Pacheco, Perkins, Tweed and Wing—16.

**NOES**—Messrs. Conn, Curtis, Farley, Fowler, Gwin, Hager, Hunter, Hutchings, Irwin, Kincaid, Lewis, Murch, O'Connor, Pendegast, Roberts, Saunders, Tompkins and Turner—18.

Mr. Fowler verbally reported Senate Bill No. 662, and recommended its passage.

Mr. Hager, from the Judiciary Committee, made the following reports :

**MR. PRESIDENT:** The Judiciary Committee report back Assembly amendments to the State Constitution No. 8, with amendments thereto, for the consideration of the Senate.

HAGER, Chairman.

**MR. PRESIDENT:** The Committee on Judiciary have had under consideration the following bills : Senate Bills Nos. 39, 138, 70, 88, 177, 72, 156, 210, 222, 226, 232, 286, 363, 364, 367, 368, 370, 369, 389, 74, 220, 429, 435, 445, 475, 638, 574, 322, 326, 359, 379, 378, 565, 277, 36, 64, 108, 129, 161, 608, 40, 29, 337, 480 and 575 ; also, Assembly Bills Nos. 235, 164, 217, 461, 18, 10 and 12 ; Assembly substitutes for Assembly Bills Nos. 84, 216, 168, 316, 331, and No. 2 proposed amendment to Constitution of this State, and report the same back and recommend that each bill be indefinitely postponed.

HAGER, Chairman.

On motion of Mr. Tompkins, the rules were suspended and Assembly Concurrent Resolution No. 64, this day reported from the Assembly, relative to lowering the flag on the dome of the Capitol to half-mast, was taken up and adopted.

#### GENERAL FILE.

Senate Bill No. 654—An Act to relieve the owners of encumbered real estate from double taxation.

Mr. Irwin moved to amend section two by adding the following : “ *Provided*, that nothing in this section contained shall be construed to require the refunding of any moneys which, under existing laws, are required to be paid into the State treasury.”

Upon the adoption of which, the ayes and noes were demanded by Messrs. Irwin, Tweed and Green, and the Senate refused, by the following vote :

**AYES**—Messrs. Beach, Chappell, Comte, Gwin, Hunter, Hutchings, Irwin, Larkin, Murch, O'Connor, Orr, Perkins, Roberts and Tweed—14.

**NOES**—Messrs. Banvard, Betge, Conly, Conn, Farley, Fowler, Green, Hager, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Pacheco, Pendegast, Saunders, Tompkins, Wand and Wing—21.

Mr. Green moved to amend section two, by striking out, in line three, the word “four,” and insert “six.”

Adopted.

Mr. Mandeville moved the previous question, which was seconded.

Upon the question, "Shall the main question be now put?" the ayes and noes were demanded by Messrs. Comte, Hunter and Green, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Betge, Conly, Farley, Hager, Kincaid, Lawrence, Mandeville, McDougall, Minis, Morrill, Murch, O'Connor, Orr, Pacheco, Pendegast, Roberts, Saunders, Tompkins, Tweed, Wand and Wing—22.

**NOES**—Messrs. Beach, Chappell, Comte, Conn, Curtis, Fowler, Green, Gwin, Hunter, Hutchings, Irwin, Lewis, Maclay, Perkins and Turner—15.

Mr. Farley moved to amend section three, after the word "deposits," in line twelve of printed bill, add "and from all liability to pay the taxes, for the payment of which said deposits were reserved, and all such taxes are hereby remitted."

Adopted.

Mr. Kincaid offered the following amendment : Amend section three by inserting after the word "State," in line ten, printed bill, as follows : "to be by said Treasurer and Controller apportioned between the State and the City and County of San Francisco, in the proportions that each is entitled to by law."

Upon the adoption of which, the ayes and noes were demanded by Messrs. Kincaid, Comte and Betge, and the Senate refused, by the following vote :

**AYES**—Messrs. Chappell, Gwin, Hunter, Kincaid, Larkin, Murch and Turner—7.

**NOES**—Messrs. Banvard, Betge, Comte, Conly, Conn, Curtis, Farley, Fowler, Green, Hager, Hutchings, Irwin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, O'Connor, Orr, Pacheco, Pendegast, Perkins, Roberts, Saunders, Tompkins, Tweed, Wand and Wing—30.

Upon ordering the bill engrossed, the ayes and noes were demanded by Messrs. Comte, Chappell and Irwin, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Betge, Conly, Conn, Farley, Fowler, Green, Hager, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, Pacheco, Pendegast, Saunders, Tompkins, Wand and Wing—22.

**NOES**—Messrs. Beach, Chappell, Comte, Curtis, Gwin, Hunter, Hutchings, Irwin, Murch, O'Connor, Orr, Perkins, Roberts, Turner and Tweed—15.

Mr. Wand had leave to introduce the following bill—An Act to empower the City and County of San Francisco to aid in the construction of the Southern Pacific Railroad, and other purposes.

Read first and second times, rules suspended and bill considered engrossed.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Lewis, Betge and Murch, and the bill was passed, by the following vote :



**AYES**—Messrs. Banvard, Beach, Betge, Chappell, Comte, Conly, Conn, Curtis, Farley, Fowler, Green, Gwin, Hutchings, Irwin, Kincaid, Maclay, Mandeville, McDougall, Minis, Morrill, Murch, Orr, Pacheco, Pendegast, Perkins, Roberts, Saunders, Tompkins, Turner, Wand and Wing—31.

**NOES**—Messrs. Hager, Lewis and O'Connor—3.

#### SPECIAL ORDER.

Governor's message, returning without his approval Senate Bill No. 243—An Act to empower the Counties of Stanislaus, Merced, Fresno, Tulare and Kern to aid in the construction of a railroad in said counties. Mr. Murch moved to lay the whole subject matter on the table.

Lost.

Upon the question, "Shall Senate Bill No. 243 become a law, notwithstanding the objection of the Governor?" the roll was called, and the Senate refused, by the following vote:

**AYES**—Messrs. Banvard, Betge, Chappell, Comte, Conly, Curtis, Hutchings, Kincaid, Lawrence, Maclay, Morrill, Murch, Pacheco, Roberts, Saunders and Tweed—16.

**NOES**—Messrs. Conn, Farley, Fowler, Hager, Hunter, Irwin, Larkin, Lewis, Mandeville, McDougall, Minis, O'Connor, Orr, Pendegast, Perkins, Tompkins, Turner, Wand and Wing—19.

Mr. Hager had leave to introduce the following bill—An Act to define the powers of Justices of the Peace of the City and County of San Francisco.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

Mr. Curtis had leave to introduce the following bill—An Act to aid in giving effect to an Act of Congress relating to the Southern California Railroad Company.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

Mr. Lewis gave notice that he would, on to-morrow, move a reconsideration of the vote by which Senate Bill No. 666 was passed.

Mr. Green had the unanimous consent of the Senate to withdraw a notice given by him on yesterday, of a motion to reconsider the vote by which the Senate refused to pass Senate Bill No. 244 over the veto of the Governor.

On motion of Mr. Perkins, Senate Bill No. 43—Proposed amendments to the Constitution of the State of California—was taken up out of unfinished business.

[President pro tem. in the chair.]

The bill was considered in Committee of the Whole and amended.

Mr. Larkin moved a call of the Senate, which was ordered.

The roll was called and the following Senators failed to answer to their names: Messrs. Beach, Curtis, Fowler, Green, Lawrence, McDougall, Murch, Orr, Pacheco and Wilson.

Messrs. McDougall, Conly, Lawrence, Green, Beach and Fowler appeared at the bar of the Senate, and were severally admitted.

On motion of Mr. Farley, further proceedings under the call were dispensed with.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed and read a third time.  
The roll was called, and the bill passed, by the following vote :

**AYES**—Messrs. Banvard, Betge, Chappell, Comte, Conly, Conn, Farley, Fowler, Green, Gwin, Hager, Hunter, Hutchings, Irwin, Larkin, Lawrence, Lewis, Maclay, McDougall, Minis, Morrill, O'Connor, Orr, Pacheco, Pendegast, Perkins, Roberts, Saunders, Tompkins, Turner, Tweed, Wand and Wing—33.

**NOES**—None.

[Mr. Farley in the chair.]

Mr. Lewis had leave to introduce the following bill—An Act to provide for the payment of the salary of the Treasurer of Colusa County.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

#### REPORT.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

**MR. PRESIDENT** : The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 665—An Act supplementary to an Act entitled an Act to provide for compensating parties whose property may be destroyed in consequence of mobs or riots, approved March twenty-seventh, eighteen hundred and sixty-eight.

Also, Senate Bill No. 661—An Act granting leave of absence to Antonio F. Coronel, Treasurer of the State of California.

Also, Senate Concurrent Resolution No. 33—Relative to a weekly mail from Cottage Grove to Orleans, in Klamath County.

Also, Senate Bill No. 663—An Act to fix the terms of the District Court in the Second Judicial District.

Also, Senate Bill No. 641—An Act concerning the office of Clerk of the Board of Supervisors and Equalization in the County of Placer.

Also, Senate Bill No. 451—An Act authorizing the Controller of State to employ an additional clerk.

O'CONNOR, Chairman.

Mr. Kincaid had leave to introduce the following resolution :

*Resolved*, That the Assembly be requested to return to the Senate Assembly Bill No. 452, as it passed from the control of the Senate while a notice of a motion to reconsider was pending and undisposed of.

Laid on the table.

On motion of Mr. Mandeville, the rules were suspended for the consideration of Senate Bill No. 664—An Act to establish the State Board of Immigration and to define their duties and powers.

Pending the consideration of said bill, at four o'clock P. M., on motion of Mr. Lewis, the Senate adjourned until to-morrow, at ten o'clock A. M.

WILLIAM HOLDEN,  
President of the Senate.

Attest : JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,  
Friday, April 1st, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Mr. Burnett was granted indefinite leave of absence.

Mr. Fowler was granted leave of absence for one day.

Prayer by the Chaplain.

Journal of yesterday read and approved.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 578—An Act to authorize the Boards of Supervisors of the several counties of this State to grant franchises in their respective counties for clearing out streams not navigable, in their respective counties, and for using the routes of the same for rafting, floating and booming purposes.

Also, Senate Bill No. 654—An Act to relieve owners of encumbered real estate from double taxation.

Also, Senate Bill No. 147—An Act for the relief of John Kneland.

Also, Senate Bill No. 658—An Act to appropriate money for contingent expenses of the Legislature.

Also, substitute for Senate Bill No. 607—An Act to create a Board of Water Commissioners for the City of Los Angeles, and to define their powers and duties.

Also, Senate Bill No. 329—An Act to authorize the construction of a railroad from the Town of Santa Clara to the City of San José, in the County of Santa Clara.

O'CONNOR, Chairman.

[President pro tem. in the chair.]

Mr. Hager, from the Judiciary Committee, made the following report :

Mr. PRESIDENT: The Judiciary Committee have had under consideration the following bills, and report back Senate Bill No. 649—An Act to amend an Act entitled an Act requiring compensation for causing death by wrongful act, neglect or default, approved April twenty-sixth, eighteen hundred and sixty-two; also, Assembly Bill No. 415—An Act to decrease the expenses of land litigation in the City and County of San Francisco—and recommend the passage of the several bills without amendment.

Also, report back Assembly Bill No. 529—An Act to exempt aged and infirm persons from their liabilities for road poll tax—with amendments; also, Assembly Bill No. 626—An Act concerning the county records of the County of Santa Clara—with amendments, and recommend the adoption of the amendments and the passage of the several bills as amended.

Also, report back Assembly Bills No. 26, 41, 88 and 539, and recommend that they do not pass.

Also, report back Senate Bill No. 247, and recommend that it do not pass, as the subject matter thereof has already been provided for by another bill.

Also, Senate Bills Nos. 643 and 627, and report the same back for the consideration of the Senate.

Also, report back Assembly Bill No. 709, without recommendation.

Also, report back Senate Bills Nos. 596, 610 and 636, and Assembly Bill No. 483, and recommend the indefinite postponement of the same.

HAGER, Chairman.

On motion of Mr. McDougall, the rules were suspended for the consideration of Assembly Bill No. 626, above reported.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

Mr. Comte verbally reported Assembly Bill No. 659, and recommended its passage as amended.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

Mr. Larkin, from the Committee on Corporations, presented the following report:

MR. PRESIDENT: The Committee on Corporations have had under consideration Senate Bill No. 612—An Act concerning gas companies—with the amendments proposed by the Assembly, and report the same back with an amendment to section one, as follows: "Strike out the words 'twenty-five,' on first and second lines from bottom of section, and insert in lieu thereof the word 'fifty;'" and recommend that the Senate do not concur in Assembly amendments, except the amendment proposed by the Assembly to section three of the bill, and that the above amendment proposed by the committee be adopted.

SAUNDERS, Chairman.

On motion of Mr. Larkin, the rules were suspended for the consideration of Senate Bill No. 612, above reported.

Amendments reported by the Committee on Corporations adopted.

Senate refused to concur in the amendments made by the Assembly.

Mr. Curtis verbally reported Assembly Bill No. 674, and recommended its passage.

Rules suspended and Assembly Bill No. 674, above reported, read a third time and passed.

Mr. Kincaid, from the San Francisco delegation, made the following report:

**Mr. PRESIDENT:** The San Francisco delegation, to whom was referred Assembly Bill No. 406, have had the same under consideration, and would respectfully report the same back and recommend its passage.

KINCAID,  
BETGE,  
WAND,  
SAUNDERS.

On motion of Mr. Kincaid, the rules were suspended for the consideration of Assembly Bill No. 406, above reported.

The rules were further suspended, bill read a third time and passed.

On motion of Mr. Lawrence, the rules were suspended for the consideration of Senate Bill No. 308—An Act to appropriate money to pay the outstanding Indian war bonds issued by the State of California, under an Act of the Legislature approved May third, eighteen hundred and fifty-two.

The rules were further suspended, bill considered engrossed, read a third time and passed.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
March 30th, 1870. }

**Mr. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 590—An Act to provide for the election of a Board of Supervisors in the County of San Luis Obispo and fix their term of office.

Also, Senate Bill No. 128—An Act to legalize and confirm certain grants and sales of town lands by the Board of Trustees of the Town of Santa Barbara and by the Mayor and Common Council of the City of Santa Barbara, made since the passage of the Act of March thirty-first, eighteen hundred and sixty-six.

Also, Senate Bill No. 546—An Act concerning the salaries of certain officers therein named.

MOFFITT,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 30th, 1870. }

**Mr. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on the twenty-ninth day of March, passed Assembly Bill No. 727—An Act amendatory of an Act supplementary to and amendatory of an Act entitled an Act to authorize the County of Placer to subscribe to the capital stock of the Central Pacific Railroad Company.

Also, Assembly Bill No. 656—An Act authorizing the Board of Supervisors of the City and County of San Francisco to equalize the salaries of the male and female teachers in said schools.

Also, Assembly Bill No. 625—An Act for the relief of Marcus Harloe.

Also, Assembly Bill No. 631—An Act entitled an Act to amend an Act entitled an Act authorizing Robert Betge and others to lay down and maintain a railroad in the City and County of San Francisco.

Also, Assembly Bill No. 649—An Act to authorize and require the Board of Supervisors of Yolo County to approve and certify certain claims against Swamp Land District Number Eighteen.

Also, Assembly Bill No. 666—An Act for the relief of D. O. Mahoney and Phil. O. Drischer.

Also, Assembly Bill No. 659—An Act authorizing the City and County Surveyor of the City and County of San Francisco to locate and lay down the central macadamized toll road on the official map of the outside lands, and conferring certain powers on the Collector of said city and county.

Also, Assembly Bill No. 453—An Act supplementary to an Act to provide for the appointment of Notaries Public and defining their duties.

Also, Assembly Bill No. 668—An Act amendatory of an Act entitled an Act to provide for the appointment and prescribe the duties of guardians, etc.

Also, Assembly Bill No. 612—An Act to provide for the construction of a Hall of Records at the county seat of the County of Sonoma, etc.

Also, Assembly Concurrent Resolution No. 58—Relative to the loss of the United States steamship Oneida.

Also, substitute for Assembly Bill No. 658—An Act to establish in the City of San Francisco a Labor and Employment Exchange, and to provide for its government and support.

Also, Assembly Bill No. 354—An Act to authorize the Treasurer of the City and County of San Francisco to pay James H. Clark the sum of four hundred and eighty dollars.

Also, Assembly Bill No. 617—An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay a certain claim.

Also, Assembly Bill No. 722—An Act to create a Board of Commissioners for the port of Eureka and Humboldt Bay, and other matters.

Also, Assembly Bill No. 729—An Act to amend section thirty-four of an Act concerning roads and highways in the County of Santa Clara.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 30th, 1870. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Assembly Bill No. 540—An Act to authorize the Board of Supervisors of the City and County of San Francisco to open and grade certain streets in said city and county.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 30th, 1870. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 489—An Act to authorize Frederick B. Lewis, his heirs or assigns, to institute proceedings to recover certain real estate of James M. Lewis, deceased, escheated to the State of California.

Also, Assembly Bill No. 724—An Act to aid and support the State Labor Exchange at Sacramento City.

And, on the twenty-third instant, under a suspension of the rules, passed Assembly Bill No. 583—An Act to provide for the erection of a City Hall in the City of San Francisco.

And, on the twenty-ninth instant, passed Assembly Bill No. 625—An Act for the relief of Marcus Harloe.

MOFFITT,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 30th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 531—An Act to provide for the improvement of the water front of the City and County of San Francisco.

And indefinitely postponed Senate Bill No. 639—An Act to create the County of Oristimbo.

And passed Senate Bill No. 641—An Act concerning the office of Clerk of the Boards of Supervisors and Equalization in the County of Placer.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 31st, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Assembly Bill No. 725—An Act to authorize the Board of Tide Land Commissioners to sell certain lands.

Also, Assembly Bill No. 735—An Act to amend an Act entitled an Act to regulate fees and salaries of officers and defining their duties, in the County of El Dorado, approved March fifth, eighteen hundred and seventy.

And, on this day, adopted Assembly Concurrent Resolution No. 65—Instructing our Senators and Representatives in Congress to have our navy yards placed on a civil basis.

Also, adopted Assembly Concurrent Resolution No. 66—Suspending joint rule number fifteen.

Also, passed Senate Bill No. 658—An Act to appropriate money for contingent expenses of the Legislature.

Also, Senate Bill No. 594—An Act to perfect title to lands granted by the United States to the State of California.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
March 31st, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the twenty-ninth day of March, amended and passed Senate Bill No. 355—An Act for the endowment of the University of California.

And, on yesterday, passed Senate Bill No. 441—An Act to authorize the incorporation of canal companies and to provide for the construction of canals and ditches.

And, on this day, passed Senate Bill No. 505—An Act to regulate the rights of owners of mines.

Also, Senate Bill No. 451—An Act authorizing the Controller of State to employ an additional clerk.

Also, Senate Bill No. 418—An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto.

Also, this day, adopted Assembly Concurrent Resolution No. 64—Relative to lowering the flag above the State Capitol to half-mast, in honor of the late General George H. Thomas.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 31st, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Concurrent Resolution No. 67—Requesting the Governor to return Assembly Bill No. 324.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 31st, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 660—An Act to legalize assessment and to provide for the collection of delinquent taxes in the County of San Luis Obispo.

Also, Senate Bill No. 631—An Act to authorize the City and County of San Francisco to purchase the property and rights of the Mission Bay Bridge Company.

Also, Senate Bill No. 147—An Act for the relief of John Kneland.

Also, Senate Bill No. 383—An Act to provide for the destruction of wolves and coyotes.

And, on yesterday, amended and passed Senate Bill No. 318—An Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public.

And, on this day, amended and passed Senate Bill No. 301—An Act to divide the State into congressional districts.

Also, passed Senate Bill No. 661—An Act granting leave of absence to A. F. Coronel, State Treasurer.

Also, Senate Bill No. 663—An Act to fix the terms of the District Court in the Second Judicial District.

Also, Senate Bill No. 578—An Act to authorize the Boards of Supervisors of the several counties of this State to grant franchises in their counties for clearing out streams, etc.

Also, Senate Concurrent Resolution No. 33—Relative to a mail from Cottage Grove to Orleans, in Klamath County.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 31st, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the



Assembly, on this day, passed Assembly Bill No. 698—An Act authorizing the issuance of State bonds to the amount of two hundred and fifty thousand dollars, to be known as State Capitol bonds.

Also, passed Senate Bill No. 271—An Act to amend an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
March 31st, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 653—An Act to secure a lien on live stock kept for feed or pasture by ranchmen or stable keepers.

Also, amended and passed Senate Bill No. 503—An Act to amend an Act to provide for a system of common schools.

Also, Assembly Bill No. 739—An Act concerning water courses in the City of Los Angeles.

Also, Senate Bill No. 513—An Act to pay for services rendered in the office of the Surveyor-General.

Also, Assembly Concurrent Resolution No. 69.

CRAWFORD,  
Assistant Clerk.

[President in the chair.]

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bill No. 503, above reported, amendments made by the Assembly concurred in by the Senate.

Assembly Bill No. 583, above reported, read first and second times, rules suspended, bill read a third time and passed.

Assembly Bill No. 698, above reported, read first and second times, rules suspended and bill read a third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs Roberts, Maclay and Hunter, and the bill was passed, by the following vote:

AYES—Messrs. Beach, Betge, Chappell, Comte, Conly, Curtis, Green, Hutchings, Irwin, Kincaid, Lawrence, Lewis, Maclay, McDougall, Minis, Murch, Perkins, Saunders, Tompkins, Turner, Tweed and Wand—22.

NOES—Messrs. Banvard, Conn, Farley, Gwin, Hager, Hunter, Larkin, O'Connor, Pacheco, Pendegast, Roberts, Wilson and Wing—13.

On motion of Mr. Banvard, the two appropriation bills were taken up and placed on top of the file for to-day.

Mr. Green had leave to introduce the following bill—An Act to amend an Act entitled an Act declaring certain creeks in Marin County navigable, approved May seventeenth, eighteen hundred and sixty-one.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT : The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 655—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

O'CONNOR, Chairman.

Mr. Saunders, from the Committee on Corporations, made the following report :

Mr. PRESIDENT : The Committee on Corporations, to whom was referred Senate Bill No. 606—An Act in relation to sales and conveyances made by the Pacific Savings and Homestead Association—have had the same under consideration, and report it back with the recommendation that it be passed.

SAUNDERS, for Committee.

Mr. Saunders, from the San Francisco delegation, made the following report :

Mr. PRESIDENT : The San Francisco delegation have had under consideration Assembly Bill No. 244—An Act authorizing the Board of Supervisors of the City and County of San Francisco to provide for a proper system of grades and sewers—and beg leave to report the same back to the Senate and recommend its passage.

Also, Assembly Bills Nos. 437 and 465, and report the same back without recommendation.

And have considered Senate Bill No. 650, and report the same back and recommend its passage.

And have considered Assembly Bill No 373, and report the same back to the Senate and recommend its passage.

SAUNDERS, for Delegation.

## GENERAL FILE.

Assembly Bill No. 680—An Act appropriating money for the support of the several charitable institutions therein specified during the twenty-second and twenty-third fiscal years, commencing on the first day of July, eighteen hundred and seventy, and ending on the thirtieth day of June, eighteen hundred and seventy-two, inclusive.

Considered in Committee of the Whole and amended.

## IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

Assembly Bill No. 657—An Act making appropriations for the support of the civil Government of the State of California, for the twenty-

second and twenty-third fiscal years, commencing on the first day of July, eighteen hundred and seventy, and ending on the thirtieth day of June, eighteen hundred and seventy-two.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Mr. Farley moved to reconsider the vote by which the amendments made in Committee of the Whole were concurred in by the Senate.

Lost.

The bill was read a third time and passed.

#### SPECIAL ORDER.

Assembly Bill No. 178—An Act to ratify and confirm a certain ordinance of the City and County of San Francisco and proceedings thereunder.

On motion of Mr. Farley, the special order was discharged, and Assembly Bill No. 178 ordered on top of special file for this evening.

#### REPORTS.

Mr. Minis verbally reported Assembly Bill No. 476, and recommended its passage.

The rules were suspended and Assembly Bill No. 476, above reported, read a third time and passed.

Mr. Maclay verbally reported Senate Bill No. 645, with amendments, and as amended recommended its passage.

Mr. Morrill, from the Committee on Enrolment, made the following reports:

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 557—An Act to fund the debt of the City of Los Angeles, and to provide for the payment of the same.

Also, Senate Bill No. 486—An Act to pay for work done in the State Land Office.

Also, Senate Bill No. 450—An Act authorizing the Board of Supervisors of Los Angeles County to erect a Court-house in Los Angeles County.

Also, Senate Bill No. 223—An Act to provide for the improvement of public parks in the City of San Francisco.

Also, Senate Bill No. 546—An Act concerning the salaries of certain officers therein named.

Also, Senate Bill No. 534—An Act to provide for the improvement of the water front of the City and County of San Francisco.

And this day, at twelve o'clock and forty-five minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No.

661—An Act granting leave of absence to Antonio F. Coronel, State Treasurer.

Also, Senate Bill No. 663—An Act to fix the terms of the District Court in the Second Judicial District.

Also, Senate Bill No. 641—An Act concerning the office of Clerk of the Board of Supervisors and Equalization in the County of Placer.

Also, Senate Bill No. 383—An Act to provide for the destruction of wolves and coyotes.

Also, Senate Bill No. 631—An Act to authorize the City and County of San Francisco to purchase the property and rights of the Mission Bay Bridge Company.

Also, Senate Bill No. 594—An Act to perfect title to lands granted by the United States to the State of California.

Also, Senate Bill No. 644—An Act to provide for the payment of the salaries of certain officers in the County of Shasta.

Also, Senate Bill No. 451—An Act authorizing the Controller of State to employ an additional clerk.

Also, Senate Concurrent Resolution No. 33—Relative to a mail from Cottage Grove to Orleans, in Klamath County.

Also, Senate Bill No. 418—An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto.

And this day, at twelve o'clock M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 531—An Act to provide for the government of the State Prison and to authorize the Board of Directors to adopt the Irish system of discipline therein.

Also, Senate Bill No. 590—An Act to provide for the election of a Board of Supervisors in the County of San Luis Obispo and fix their term of office.

Also, Senate Bill No. 489—An Act to authorize F. B. Lewis, etc., to institute proceedings to recover certain real estate, etc.

Also, Senate Bill No. 629—An Act to empower the County of Plumas to aid in the construction of the Marysville and Ogden Railroad.

And this day, at ten o'clock A. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. Betge verbally reported Assembly Bills No. 416 and No. 458 and substitute for Assembly Bill No. 100, without recommendation.

Mr. Farley verbally reported Senate Bill No. 344 and recommended its passage.

The rules were suspended for the consideration of Senate Bill No. 344, above reported.

The rules were further suspended, bill considered engrossed, read a third time and passed.

Mr. Maclay verbally reported Assembly Bill No. 717 and recommended its passage.

The rules were suspended and Assembly Bill No. 717, above reported, read a third time and passed.

Mr. McDougall made the following report:

Mr. PRESIDENT: The delegations from San Francisco, San Mateo and Santa Cruz, to whom was referred Assembly Bill No. 582, respectfully report the same back with a substitute, and recommend the adoption of the substitute.

McDOUGALL,  
KINCAID,  
BETGE.

On motion of Mr. McDougall, the rules were suspended and substitute for Assembly Bill No. 582, above reported, was adopted.

[President pro tem. in the chair.]

Mr. Green moved to place the bill on file.

Lost.

Mr. Green moved to refer the bill to the Committee on Corporations.

Lost.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Mr. McDougall had the unanimous consent of the Senate to withdraw said bill.

On motion of Mr. Lawrence, the rules were suspended for the consideration of Senate Bill No. 600—An Act for the relief of certain orphan asylums.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Kincaid had leave to introduce the following bill—An Act to amend an Act entitled an Act to organize and regulate townships in San Mateo County and to define the respective powers, duties and compensation of county and township officers in certain cases, approved March twenty-second, eighteen hundred and sixty-six.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Irwin, the rules were suspended for the consideration of Senate Bill No. 212—An Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front in the City and County of San Francisco.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

On motion of Mr. Farley, the rules were suspended for the considera-

tion of Senate Bill No. 654—An Act to relieve the owners of encumbered real estate from double taxation.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Comte, Roberts and Maclay, and the bill passed, by the following vote:

**AYES**—Messrs. Banvard, Beach, Betge, Comte, Conly, Farley, Green, Hager, Kincaid, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, Pacheco, Pendegast, Saunders, Tompkins, Wand and Wing—22.

**NOES**—Messrs. Chappell, Curtis, Gwin, Hunter, Hutchings, Irwin, Murch, O'Connor, Orr, Perkins, Roberts, Turner and Tweed—12.

Mr Farley moved to suspend the rules for the purpose of transmitting the bill immediately to the Assembly.

Mr. Orr raised the point of order that the rules could not be suspended for that purpose.

The Chair decided the point of order to be not well taken, from which Mr. Orr appealed.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded by Messrs. Orr, Roberts and Green, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Betge, Conly, Farley, Green, Hager, Hunter, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, O'Connor, Orr, Pacheco, Pendegast, Perkins, Saunders, Tompkins, Tweed, Wand and Wing—27.

**NOES**—Messrs. Beach, Chappell, Comte, Hutchings, Murch and Turner—6.

Upon the suspension of the rules, the ayes and noes were demanded by Messrs. Roberts, Lawrence and Comte, and the Senate refused, by the following vote:

**AYES**—Messrs. Banvard, Betge, Conly, Farley, Green, Hager, Hunter, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Minis, Morrill, Pacheco, Pendegast, Saunders, Tompkins, Wand and Wing—22.

**NOES**—Messrs. Beach, Chappell, Comte, Curtis, Gwin, Hutchings, Irwin, Murch, O'Connor, Orr, Perkins, Roberts, Turner and Tweed—14.

At four o'clock and thirty minutes P. M. Mr. Green moved to adjourn. Lost.

Mr. Mandeville moved to suspend the rules for the purpose of considering Senate Bill No. 597.

Upon which the ayes and noes were demanded by Messrs. Kincaid, Roberts and Betge, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Betge, Chappell, Comte, Conly, Curtis, Farley, Gwin, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, Mandeville, McDougall, Morrill, Orr, Pacheco, Pendegast, Perkins, Saunders, Tompkins, Wand and Wing—28.

**NOES**—Messrs. Beach, Green, Murch, O'Connor, Roberts, Turner and Tweed—7.

Senate Bill No. 597—An Act to prevent double taxation.

Amendments made by the Assembly concurred in by the Senate.

Messrs. Beach and Morrill each gave notice of a motion to reconsider the vote by which Senate Bill No. 654 was passed.

Senate Bill No. 128, heretofore reported from the Assembly with amendments.

On motion, the amendments were concurred in by the Senate.

On motion of Mr. Larkin, Senate Bill No. 627—An Act concerning revenue and the assessment of property—heretofore reported from the Judiciary Committee, was taken up.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Upon suspending the rules for the purpose of considering the bill engrossed, the ayes and noes were demanded by Messrs. Tompkins, Betge and Green, and the Senate refused, by the following vote:

**AYES**—Messrs. Banvard, Beach, Farley, Green, Gwin, Hunter, Irwin, Larkin, Lawrence, Lewis, Maclay, Mandeville, Minis, Murch, O'Connor, Roberts and Wand—17

**NOES**—Messrs. Betge, Comte, Conly, Hager, Hutchings, Kincaid, McDougall, Orr, Pacheco, Pendegast, Perkins, Tompkins, Turner, Tweed and Wing—15.

Upon ordering the bill engrossed, the ayes and noes were demanded by Messrs. Kincaid, Tompkins and Conly, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Farley, Green, Gwin, Hunter, Irwin, Larkin, Lawrence, Lewis, Maclay, Mandeville, Minis, Murch, O'Connor, Roberts and Wand—16.

**NOES**—Messrs. Betge, Comte, Conly, Curtis, Hager, Hutchings, Kincaid, McDougall, Pacheco, Pendegast, Perkins, Tompkins, Turner and Tweed—14.

Mr. Maclay gave notice of a motion to reconsider the vote by which Senate Bill No. 597 was ordered engrossed.

On motion of Mr. Hager, the rules were suspended for the consideration of Senate Bill No. 555—An Act for the endowment of the University of California—heretofore reported from the Assembly, with amendments.

On motion of Mr. Hager, the amendments made by the Assembly were concurred in by the Senate.

Pursuant to notice, Mr. Roberts introduced the following resolutions as amendments to the rules of the Senate:

*Resolved*, That in the consideration of the general and special files, the bills shall be taken up in the order in which they are arranged on the file, and as each bill is called, if there be an objection made to its consideration, such bill shall be temporarily passed until the file shall be called

through, after which the consideration of the file in its order shall be resumed.

Adopted.

Also, the following resolution :

*Resolved*, That no Senator shall be allowed to speak more than five minutes on any bill, resolution or motion, without the consent of two-thirds of the Senators voting

Adopted.

Also, the following resolution :

*Resolved*, That any rule or order may be suspended or repealed by a two-thirds vote ; and any Senator may appeal from any decision of the Chair at any time except during roll call, but all questions of order and appeal shall be decided without debate.

Lost.

On motion of Mr. Pacheco, the rules were further suspended for the consideration of Assembly Bill No. 627, heretofore reported from the Assembly.

The rules were further suspended, bill read a third time and passed.  
Mr. Orr had leave to introduce the following concurrent resolution :

*Resolved* by the Senate, the Assembly concurring, That the Enrolling Committee of the Senate be and they are hereby empowered to strike out the following clause in section twenty of Senate Bill No. 568—An Act to reincorporate the City of Stockton : "To grant to any company now incorporated, or hereafter to be incorporated, the exclusive right to lay down and maintain water pipes in and through the streets of the City of Stockton, and through said pipes to supply water for the use of said city and the inhabitants thereof for the term of fifty years, subject to such restrictions and regulations as they may impose upon said company concerning the laying, repairing and using of said pipes ; *provided*, that the Common Council shall have full power at all times to fix and regulate the charges of said company for supplying water to the inhabitants ;" and that his Excellency the Governor be requested to deliver said bill to the Enrolling Committee for the purpose above mentioned.

Adopted.

Mr. Lewis moved to suspend the rules and place Assembly Bill No. 681 on the top of the special file for this evening.

Upon which the ayes and noes were demanded by Messrs. Lewis, Betge and Comte, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Beach, Betge, Chappell, Comte, Curtis, Green, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, McDougall, Murch, Pacheco, Roberts, Turner, Tweed and Wing—21.

**NOES**—Messrs. Conly, Hager, Mandeville, Minis, O'Connor, Orr, Perkins, Saunders, Tompkins and Wand—10.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :



ASSEMBLY CHAMBER,  
April 1st, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, refused to concur in Senate amendments to Assembly Bill No. 657—An Act making appropriations for the support of the civil Government of the State of California for the twenty-second and twenty-third fiscal years.

And also refused to concur in Senate amendments to Assembly Bill No. 680—An Act making appropriations for the support of the several charitable institutions therein specified during the twenty-second and twenty-third fiscal years.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 657, above reported, Assembly refused to concur in Senate amendments; Senate refused to recede.

Assembly Bill No. 680, above reported, Assembly refused to concur in Senate amendments; Senate refused to recede.

On motion of Mr. Banvard, a Committee of Conference was ordered to be appointed.

The President announced the appointment of the following as a Committee of Conference on the disagreeing vote of the Senate and Assembly on Assembly Bills Nos. 657 and 680: Messrs. Banvard, Mandeville and Perkins.

At five o'clock and fifty minutes P. M., on motion of Mr. Larkin, the Senate adjourned.

#### EVENING SESSION.

Senate met pursuant to adjournment.

President pro tem in the chair.

Roll called.

Quorum present.

#### REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report:

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 660—An Act to legalize assessments and to provide for the collection of delinquent taxes in the County of San Luis Obispo.

Also, Senate Bill No. 607—An Act to provide for the construction and maintenance of toll roads within the State of California.

Also, Senate Bill No. 600—An Act for the relief of certain orphan asylums.

O'CONNOR, Chairman.

#### SPECIAL FILE.

Assembly Bill No. 681—An Act to provide for the improvement of a certain part of the City and County of San Francisco.

Read first and second times.

Upon suspending the rules for the consideration of the bill, the ayes

and noes were demanded by Messrs. Betge, Chappell and Minis, and the Senate refused, by the following vote :

**AYES**—Messrs. Banvard, Beach, Betge, Chappell, Comte, Curtis, Green, Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, McDougall, Morrill, Murch, Orr, Pendegast, Roberts, Turner, Tweed and Wing—23.

**NOES**—Messrs. Conly, Conn, Hager, Hunter, Mandeville, Minis, O'Connor, Pacheco, Perkins, Saunders, Tompkins and Wand—12.

[President in the chair.]

Assembly Bill No. 572—An Act to encourage tin mining in this State.  
Passed on file.

Assembly Bill No. 217—An Act to provide for the improvement of the navigation of the Russian River, and to declare said stream a navigable stream.

Indefinitely postponed.

Assembly Bill No. 461—An Act concerning Justices of the Peace in the City of Stockton.

Indefinitely postponed.

Assembly Bill No. 10—An Act to alter the judicial districts, and to create the Eighteenth Judicial District.

Indefinitely postponed.

Assembly Bill No. 84—An Act to declare Adela Thompson of lawful age.

Indefinitely postponed.

Assembly Bill No. 18—An Act to provide for the payment of the debt of Humboldt County, existing upon the thirty-first day of December, eighteen hundred and sixty-nine.

Passed on file.

Assembly Bill No. 483—An Act for the relief of Anna Virginia Wakeman.

Indefinitely postponed.

Assembly Bill No. 415—An Act to decrease the expenses of land litigation in the City and County of San Francisco.

Read a third time and passed.

Assembly Bill No. 26—An Act to empower Charles A. Yancey, guardian of Minnie Augusta and William Block, to sell certain real estate described herein.

Indefinitely postponed.

Assembly Bill No. 465—An Act to provide for a street railroad in the City and County of San Francisco.

Indefinitely postponed.

Assembly Bill No. 244—An Act authorizing the Board of Supervisors of the City and County of San Francisco to provide plans for a proper system of grades and sewers.

Passed on file.

Assembly Bill No. 437—An Act granting the right to construct and maintain a railroad in certain streets therein named in the City and County of San Francisco.

Indefinitely postponed.

#### SPECIAL ORDER.

Assembly Bill No. 178—An Act to ratify and confirm a certain ordinance of the City and County of San Francisco, and proceedings thereunder.

Mr. Wand moved to reconsider the vote by which said bill was indefinitely postponed.

Mr. Mandeville moved to indefinitely postpone the motion to reconsider.

Upon which the ayes and noes were demanded by Messrs. Conly, Beach and Green, and the Senate so ordered, by the following vote:

**AYES**—Messrs Banvard, Beach, Chappell, Comte, Conn, Curtis, Farley, Green, Hager, Hunter, Hutchings, Irwin, Larkin, Lawrence, Lewis, Maclay, Mandeville, Morrill, Murch, Orr, Pacheco, Pendegast, Perkins, Roberts, Saunders, Turner, Tweed and Wing—28.

**NOES**—Messrs. Conly, McDougall, O'Connor and Wand—4.

**Assembly Bill No. 373**—An Act to amend an Act entitled an Act to amend an Act entitled an Act amendatory of article four of an Act entitled an Act to repeal the several charters of the City and County of San Francisco, to establish the boundaries of the City and County of San Francisco, and to consolidate the government thereof, etc.

Passed on file.

**Senate Bill No. 110**—An Act to authorize a steam ferry, to ply between South Vallejo, City of Vallejo and Mare Island.

Passed on file.

**Senate Bill No. 386**—An Act to provide for the payment of certain county bonds issued by the County of Calaveras.

Mr. Morrill had unanimous consent to withdraw said bill.

**Senate Bill No. 256**—An Act to amend an Act entitled an Act to authorize the construction of a railroad from the City of San José to the Town of Santa Clara, passed March twenty-fourth, eighteen hundred and sixty-eight.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

**Senate Bill No. 497**—An Act to provide for the payment of fees to witnesses in criminal cases in Nevada County.

Rules suspended, bill considered engrossed, read a third time and passed.

**Senate Bill No. 467**—An Act to regulate the fees of Justices and Constables in Placer County.

Rules suspended, bill considered engrossed, read a third time and passed.

**Senate Bill No. 519**—An Act to provide for the relief of Maze Edwards.

Indefinitely postponed.

**Senate Bill No. 473**—An Act relating to the Terminal Railway Company.

Indefinitely postponed.

**Senate Bill No. 620**—An Act amendatory of and supplemental to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 31—A bill to amend an Act entitled an Act to provide for the assessment and collection of taxes on migratory bands of stock, farm animals and hogs in Calaveras and Tuolumne Counties.

Mr. Gwin had unanimous consent to withdraw said bill

Senate Bill No. 140—An Act granting to certain parties the right to lay down, maintain and operate street railways in the City of Sacramento.

Indefinitely postponed.

Senate Bill No. 366—An Act granting certain persons therein named the right to lay a railroad track along certain streets in Sacramento.

Indefinitely postponed.

Senate Bill No. 38—An Act to authorize J. Friedlander and his associates to lay down gas pipes in the City and County of San Francisco.

Mr. Hager had unanimous consent to withdraw said bill.

Senate Bill No. 419—An Act granting certain lands in the City and County of San Francisco to the Potrero and Bay View Railroad Company.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 362—An Act to grant certain persons the right of way for a railroad track partly within the County of San Francisco and partly the County of San Mateo, and to run horse cars thereon.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 111—An Act to establish a morgue for the City and County of San Francisco.

Indefinitely postponed.

Senate Bill No. 556—An Act to empower the County of San Diego to aid in the construction of a railroad in said county.

Referred to the San Diego delegation.

Senate Bill No. 478—An Act to fix the amount of the official bond of the Tax Collector of Del Norte County.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 304—An Act to authorize Joseph B. Pierce and his associates and assigns to establish and maintain a steam ferry.

Indefinitely postponed.

Senate Bill No. 520—An Act to authorize Daniel Harback to construct a chute and moorings at or near Stewart's Point and to collect tolls for the use thereof.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 442—An Act to create the County of Donner, to define its boundaries and to provide for its organization and maintenance.

Indefinitely postponed.

Senate Bill No. 291—An Act granting the right to construct a railroad on certain streets in the City and County of San Francisco.

Passed on file.

Senate Bill No. 433—An Act to ratify and confirm ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and proceedings had thereunder.

Passed on file.

Senate Bill No. 502—An Act for the relief and support of the Mechanics' Labor Exchange of California.

Indefinitely postponed.

Senate Bill No. 563—An Act to amend an Act entitled an Act to provide for the transfer of certain funds in the County of Placer.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 564—An Act for the relief of Thomas N. Miller.

Indefinitely postponed.

Senate Bill No. 433—An Act to ratify and confirm ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and proceedings had thereunder.

Substitute reported by committee adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 510—An Act to empower the County of Marin to aid in the construction of a railroad in said county.

Passed on file.

Senate Bill No. 302—An Act to authorize a railroad to be laid down in certain of the streets of the City and County of San Francisco, for grading purposes.

Indefinitely postponed.

Senate Bill No. 553—An Act to amend an Act to provide for paving the streets in the City and County of San Francisco.

Passed on file

Senate Bill No. 446—An Act to organize the Board of Supervisors for the City and County of San Francisco.

Passed on file.

Senate Bill No. 586—An Act to provide for the construction and maintenance of a wagon road in the County of Lake.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 203—An Act to pay for the planking of streets in the City of Sacramento.

Indefinitely postponed.

Senate Bill No. 593—An Act to prevent shooting and camping on private lands in the County of Marin.

Passed on file.

Senate Bill No. 567—An Act to authorize the sale and conveyance of certain overflowed, tide and submerged lands in Marin County to the Pioneer Ship Building Company.

Indefinitely postponed.

Senate Bill No. 404—An Act to amend an Act entitled an Act to incorporate the Town of Santa Barbara, approved February tenth, eighteen hundred and seventy.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 396—An Act to authorize the Board of Supervisors of the County of Monterey to donate the bonds of said county to the Monterey and Salinas Railroad Company and to provide for the payment of the same, and other matters relating thereto.

Indefinitely postponed.

Senate Bill No. 592—An Act to authorize the issuance of bonds by the County of San Luis Obispo to erect county buildings and to purchase a site for the same.

Considered in Committee of the Whole and amended.

IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

Senate Bill No. 589—An Act to ratify and confirm certain proceedings of the Board of Supervisors of the City and County of San Francisco.

Indefinitely postponed.

Senate Bill No. 598—An Act to incorporate the Town of Colusa.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 281—An Act authorizing the Board of Supervisors of the County of Sacramento to audit and allow certain claims.

Passed on file.

Senate Bill No. 521—An Act authorizing the Board of Trustees of the City of Petaluma to lease a certain plaza therein.

Passed on file.

Senate Bill No. 345—An Act to empower the City of Marysville and the Counties of Colusa, Sutter, Yuba and Nevada to aid in the construction of the Colusa, Marysville and Nevada Railroad.

Withdrawn.

Senate Bill No. 376—An Act to incorporate the Town of Alameda.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 193—An Act to change the grade of Mason street, from Pacific street to Vallejo street, in the City and County of San Francisco.

Passed on file.

Senate Bill No. 561—An Act to authorize T. B. Lewis, J. W. Bucklin, H. B. Congden and Philip Falk, and their associates, to construct and maintain a railroad in the City and County of San Francisco.

Indefinitely postponed.

Senate Bill No. 569—An Act to provide for the appointment of Hack Inspector for the City and County of San Francisco.

Passed on file.

Senate Bill No. 499—An Act for the relief of Mrs. M. Benninger.

Indefinitely postponed.

Assembly Bill No. 27—An Act for the relief of Thomas N. Long, Sheriff of Lassen County.

Passed on file.

Senate Bill No. 633—An Act to authorize the Trustees of the Calistoga School District, in the County of Napa, to issue bonds for certain purposes.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 512—An Act to provide for the construction of agricultural warehouses at Goat Island, in the bay of San Francisco.

Passed on file.

Senate Bill No. 498—An Act to amend an Act entitled an Act to authorize Eben Hilton, Isaac Hobbs, Martin I. Wright and others to build a wharf in Solano County, approved April second, eighteen hundred and sixty-six.

Indefinitely postponed.

Senate Bill No. 409—An Act granting the right to remove obstacles in the Mokelumne River and headwaters thereof, to float, drive and transport wood of every description, saw logs, timber, lumber and other materials along and down the same, to charge and collect toll from others floating, driving or transporting wood, logs, etc., as aforesaid, and to build, erect and maintain such structures and works as may be necessary for the enjoyment of such rights.

Passed on file.

Senate Bill No. 432—An Act to provide for the improvement of a certain part of the City and County of San Francisco.

Passed on file.

Senate Bill No. 348—A bill for the relief of the County of Calaveras. Indefinitely postponed.

Senate Bill No. 635—An Act relating to the County Assessor of Monterey County.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 508—An Act to authorize William B. Swearingen, his associates and assigns, to construct and keep a turnpike or wagon road in the Counties of Siskiyou and Lassen, in this State.

Withdrawn.

Senate Bill No. 483—An Act to authorize the Superintendent of Public Streets, Highways and Squares of San Francisco to issue an assessment to Michael Corniff, for street work done by him.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 614—An Act to establish and define the powers and duties of the Secretary of the Board of Education of the City and County of San Francisco.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 617—A bill for the relief of W. B. Norman and A. C. Bradford.

Withdrawn

Senate Bill No. 463—An Act to regulate appeals from Justices' Courts to the County Court of the City and County of San Francisco.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill considered engrossed, read a third time and passed.

[President pro tem. in the chair.]

Senate Bill No. 573—An Act to authorize Robert McHenry, administrator of the estate of Henry Longworth, deceased, to sell the real estate of said estate.

Amendments of committee adopted.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 532—An Act to amend an Act entitled an Act amendatory of article fourth of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six, repealing sections thirty-six to sixty-four, inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and instituting this Act for said article four, approved April twenty-fifth, eighteen hundred and sixty-two.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 525—An Act to authorize the closing of certain streets in the City of Benicia.

Indefinitely postponed.

Senate Bill No. 652—An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one, and an Act amendatory thereof, approved April twenty-seventh, eighteen hundred and sixty-three.

Passed on file.

Senate Bill No. 36—An Act to authorize suits against the Napa Valley Railroad Company and the stockholders thereof.

Indefinitely postponed.

Senate Bill 326—An Act to provide for the payment of interest on the debt due from the County of Stanislaus to the County of Tuolumne.

Withdrawn.

Senate Bill No 475—An Act to authorize and empower Charles F. Smith and Franklin P. Smith, both minors, to sell and convey certain real estate in Alameda County.

Indefinitely postponed.

Senate Bill No. 286—An Act creating the office of District Collectors and Assessors in the County of Butte.

Withdrawn.

Senate Bill No. 429—An Act to fix the salaries of certain officers in the County of Contra Costa, and to define their duties.

Indefinitely postponed.

Senate Bill No. 286—An Act to provide for the construction of a canal for irrigation, milling, manufacturing and supplying the Town of Red Bluff with water.

Indefinitely postponed.

Senate Bill No. 226—An Act authorizing John C. Murphy and his assigns to construct and maintain a toll road in Mono County.

Indefinitely postponed.

Senate Bill No. 222—An Act to authorize K. Powell, H. Kraft and their associates, to construct and maintain a wagon road from the Bell



Mills to a point near the Antelope Mills, and to collect toll for travel thereon.

Indefinitely postponed.

Senate Bill No. 575—An Act to authorize the guardian of the minor children of Robert S. Carlisle to sell certain real estate.

Indefinitely postponed.

Senate Bill No. 29—An Act to reorganize the Board of Supervisors for the City and County of San Francisco.

Indefinitely postponed.

Senate Bill No. 608—An Act to declare Sanford E. Watts of lawful age for certain purposes.

Indefinitely postponed.

Senate Bill No. 161—A bill to be entitled an Act for the relief of Jackson W. Hatch.

Indefinitely postponed.

Senate Bill No. 596—An Act relating to the office of District Attorney of the City and County of San Francisco.

Withdrawn.

Senate Bill No. 610—An Act to increase the number of Trustees of the Church of the Advent of the City and County of San Francisco, and ratifying and confirming the acts of its Trustees.

Indefinitely postponed.

Senate Bill No. 650—An Act to confer additional power on the Board of Supervisors of the City and County of San Francisco.

Rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 700—An Act to provide for the payment of certain claims against the Second Township of the County of San Mateo.

Rules suspended, bill read a third time and passed.

Mr. Roberts moved to suspend the rules for the consideration of Assembly Bill No. 681.

Upon which the ayes and noes were demanded by Messrs. Mandeville, Roberts and Green, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Beach, Betge, Chappell, Comte, Curtis, Farley, Green, Gwin, Hunter Hutchings, Irwin, Kincaid, Larkin, Lawrence, Lewis, Maclay, McDougall, Morrill, Murch, Orr, Pendegast, Roberts, Turner, Tweed and Wing—26.

**NOES**—Messrs. Conly, Hager, Mandeville, Minis, O'Connor, Saunders and Wand—7.

Assembly Bill No. 681—An Act to provide for the improvement of a certain part of the City and County of San Francisco.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Rules suspended, bill read a third time and passed.

At ten o'clock and fifteen minutes P. M., on motion of Mr. Kincaid, the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest : JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Saturday, April 2d, 1870. }

Senate met pursuant to adjournment,

President pro tem. in the chair.

Roll called.

Quorum present.

Prayer by the Rev. O. P. Fitzgerald.

[President in the chair.]

Reading of the journal dispensed with.

## REPORTS.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT : The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 362—An Act to grant certain persons the right of way for a railroad track partly within the County of San Francisco and partly the County of San Mateo, and to run horse cars thereon.

Also, Senate Bill No. 520—An Act to authorize Daniel Harback to construct a chute and moorings at or near Stewart's Point, and collect tolls for the use thereof.

Also, Senate Bill No. 478—An Act to fix the amount of the official bond of the Tax Collector of Del Norte County.

Also, Senate Bill No. 563—An Act to amend an Act entitled an Act to provide for the transfer of certain funds in the County of Placer.

Also, Senate Bill No. 256—An Act to amend an Act entitled an Act to authorize the construction of a railroad from the City of San José to the Town of Santa Clara, passed March twenty-fourth, eighteen hundred and sixty-eight.

O'CONNOR, Chairman.

Mr. Gwin verbally reported Senate Bill No. 334, and recommended that the bill be indefinitely postponed.

Mr. Morrill, from the Committee on Enrolment, made the following reports :

Mr. PRESIDENT : Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 668—An Act to aid in giving effect to an Act of Congress relating to the Southern Pacific Railroad Company.

Also, Senate Bill No. 658—An Act to appropriate money for contingent expenses of the Legislature.

Also, Senate Bill No. 505—An Act to regulate the rights of the owners of mines.

Also, Senate Bill No. 513—An Act to pay for services rendered in the office of the State Surveyor-General.

Also, Senate Bill No. 147—An Act for the relief of John Kneland.

Also, Senate Bill No. 578—An Act to authorize the Boards of Supervisors of the several counties to grant franchises.

And this day, at two o'clock and thirty minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

**MR. PRESIDENT:** Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 538—An Act to authorize the Counties of Tehama and Colusa to aid in the construction of the railroad proposed to be built by the Benicia and Red Bluff Railroad Company.

And this day, at three o'clock and twenty-five minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

**MR. PRESIDENT:** Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 655—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Also, Senate Bill No. 670—An Act to amend an Act entitled an Act declaring certain creeks in Marin County navigable, approved May seventeenth, eighteen hundred and sixty-one.

Also, Senate Bill No. 666—An Act to empower the City and County of San Francisco to aid in the construction of the Southern Pacific Railroad, and for other purposes.

Also, Senate Bill No. 597—An Act to prevent double taxation.

Also, Senate Bill No. 441—An Act to authorize the incorporation of canal companies, etc., for the canals and ditches.

And this day, at eight o'clock and thirty minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

On motion of Mr. Comte, all veto messages of the Governor now on the Secretary's desk were made the special order for this day, at two o'clock P. M.

Mr. McDougall presented a report from the Joint Committee on Hospitals

Reading dispensed with and report ordered printed.

[For report, see Appendix.]

Mr. Banvard, from the Committee on Finance, made the following reports:

**MR. PRESIDENT:** The Committee on Finance have had under consideration Senate Bill No. 449—An Act appropriating money to the Roman Catholic Orphan Asylum, under the charge of the Sisters of Charity, at Los Angeles, and the Hospital for the care of the indigent non-resident sick, under the charge of the Sisters of Charity, at Los Angeles.

Also, Senate Bill No. 431—An Act for the relief of the Sacramento Protestant Orphan Association.

Also, Senate Bill No. 191—An Act to provide for the payment of certain warrants drawn upon the State Treasurer.

Also, Senate Bill No. 199—An Act to provide for the payment of services heretofore rendered to the State of California, and to appropriate money for the same.

Also, Senate Bill No. 317—An Act to authorize the State Treasurer to transfer certain funds from the General Fund to the Military Fund.

Your committee recommend the indefinite postponement of the same.  
Your committee herewith transmit sundry and divers petitions referred to them, all of which have been duly considered.

BANVARD, Chairman.

Mr. PRESIDENT: The Committee on Finance, to whom was referred Assembly Bill No. 733—An Act to fix the rate of taxation for State purposes—report the same back, with a substitute, and recommend the passage of the substitute.

BANVARD, Chairman.

[Mr. Farley in the chair.]

On motion of Mr. Banvard, the rules were suspended for the consideration of Assembly Bill No. 733, above reported.

Substitute reported by committee adopted.

The bill was considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed.

[President in the chair.]

Mr. Curtis, from the Committee on Claims, made the following report:

Mr PRESIDENT: The Committee on Claims have had under consideration Senate Bill No. 349—An Act to appropriate money to pay the expenses of Plumas County and her citizens, in the conflict between said county and the authorities of Nevada Territory, in the year eighteen hundred and sixty-three.

Also, Senate Bill No. 55—An Act to appropriate money to pay bond number thirty-four, issued by authority of an Act of the Legislature of the State of California, approved February eighteenth, eighteen hundred and fifty-one.

Also, Senate Bill No. 511—An Act for the relief of Martha Buckelew, executrix of the last will and testament of Benjamin R. Buckelew, deceased.

Also, Senate Bill No. 257—An Act to provide for the payment of certain unredeemed State indebtedness.

Also, Senate Bill No. 544—An Act to provide for refunding to Joseph R. Patterson certain moneys paid by him into the Swamp Land Fund, together with interest on the same.

Also, Assembly Bill No. 288—An Act for the relief of John L. Rigg, Tax Collector of Del Norte County.

Also, Assembly Bill No. 254—An Act to pay the expenses necessarily incurred in suppressing Indian hostilities in the Counties of Humboldt and Trinity, in the years eighteen hundred and sixty-eight and eighteen hundred and sixty-nine.

And report the same back to the Senate and respectfully recommend that they do not pass.

CURTIS, Chairman.

Mr. Wand, from the Committee on Contingent Expenses, made the following report:

Mr. PRESIDENT: Your Committee on Contingent Expenses, having had the inclosed resolutions and accounts under consideration, report the same back and recommend the passage of each of them.

WAND, Chairman.

Mr. Farloy moved to reconsider the vote by which Senate Bill No. 654 was passed.

Mr. Mandeville moved to indefinitely postpone the motion to reconsider.

Adopted.

Mr. Beach had leave to introduce the following concurrent resolution:

*Resolved* by the Senate, the Assembly concurring, That leave of absence from the State be and is hereby granted to Matthew Woods, Sheriff of Yuba, for the space of four months, to be selected by himself, during the term for which he was elected; *provided*, that he shall first obtain the consent of the Board of Supervisors of said county and all the sureties on his official bond, and leave a competent deputy in the office.

Mr. Green made the following report:

Mr. PRESIDENT: Your committee, to whom was referred Senate Bill No. 602—An Act providing for the payment of the balance of the judgment in favor of Tristram C. Gilman against the County of Contra Costa, State of California—have had the same under consideration, and report the same back and recommend that it be indefinitely postponed.

GREEN, for Delegation.

Mr. Tompkins, from the Committee on Counties and County Boundaries, made the following report:

Mr. PRESIDENT: The Committee on Counties and County Boundaries, to whom was referred Senate Bill No. 507—An Act to create the County of Summit, etc.—have considered the same, and now report it back and recommend its indefinite postponement.

TOMPKINS, Chairman.

Mr. Banvard, from the Finance Committee, made the following report:

Mr. PRESIDENT: Your Committee on Finance have had under consideration Assembly Bill No. 395—An Act concerning revenue; also, Assembly Bill No. 341—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, approved March thirtieth, eighteen hundred and sixty-eight—and recommend that they do not pass.

BANVARD, Chairman.

Mr. Banvard had leave to introduce the following resolution:

*Resolved*, That the Controller of State is hereby authorized and directed to draw his warrants upon the State Treasurer, and the Treasurer is authorized to pay the following sums out of the Contingent Fund of the Senate, viz: To J. W. Mandeville, twelve hundred dollars; to E. W. Roberts, twelve hundred dollars, and to Elam Covington, two thousand one hundred and twenty dollars, for services on the Investigation Committee for inspection of State offices, appointed by the Senate at the seventeenth session of the Legislature.

Adopted.

On motion of Mr. Tompkins, Assembly Bill No. 568 was taken out of Assembly messages, the same having been reported, Assembly refusing to concur in the amendments made by the Senate.

The Senate refused to recede from their amendment to section two of said bill, and recede from their amendments to section thirty-two.

On motion of Mr. Wand, the rules were suspended for consideration of the following resolutions, reported from the Committee on Contingent Expenses:

*Resolved*, That Senators Maclay, Wilson and Chappell, each, are hereby entitled and allowed the sum of one hundred and ninety dollars, mileage while in discharge of committee duty in locating the State Normal School.

Adopted.

*Resolved*, That the sum of one hundred dollars be appropriated out of the Contingent Fund of the Senate, and allowed to William J. Lewis, for attendance at Sacramento City before the Committee on Corporations, as a witness and expert in the matter of Senate Bill No. 62.

Referred to the Committee on Contingent Expenses.

Adopted.

On motion of Mr. Roberts, the further consideration of the resolutions was postponed until Monday next.

Mr. Pendegast verbally reported Assembly Bill No. 611 and recommended its passage.

The rules were suspended, bill read a third time and passed.

Mr. McDougall verbally reported Assembly Bill No. 715, and recommended its passage.

The rules were suspended, bill read a third time and passed.

Mr. Fowler verbally reported Assembly Bill No. 436, and recommended its indefinite postponement.

Mr. Hager, from the San Francisco delegation, made the following report:

MR. PRESIDENT: The San Francisco delegation have had under consideration Senate Bills Nos. 517 and 616, and beg leave to report them back to the Senate and respectfully recommend that the bills be withdrawn from the files.

HAGER, for Delegation.

Mr. Lawrence presented an affidavit of B. Brundage, relative to the county seat of Kern County.

Laid on the table.

Mr. Pacheco verbally reported amendments to the Constitution of the State, without recommendation.

Laid on the table.

# MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, March 31st, 1870.

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate Bill No. 469—An Act authorizing the publication of certain legal notices in a State paper, printed at the seat of government of the State of California.

Also, Senate Bill No. 347—An Act to amend an Act entitled an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, courts and places in the said city, approved April fourth, eighteen hundred and sixty-four.

Also, Senate Bill No. 640—An Act concerning the construction of the State Capitol, in the City of Sacramento.

Also, Senate Bill No. 522—An Act making an appropriation for deficiency in the appropriation made for twentieth and twenty-first fiscal years, ending July first, eighteen hundred and seventy.

Also, Senate Bill No. 624—An Act to authorize the City of San José to sell certain bonds and use the proceeds thereof in purchasing sites for public school houses.

Also, Senate Bill No. 289—An Act to better define the boundary line between Fresno and Mariposa Counties.

Also Senate Bill No. 613—An Act granting leave of absence to Thomas H. Holt, Auditor of the City and County of San Francisco.

Also, Senate Bill No. 626—An Act to amend an Act entitled an Act to raise a fund for the improvement of Napa City, approved January twenty-fourth, eighteen hundred and seventy.

Also, Senate Bill No. 500—An Act relative to the care and management of the State burial ground and making an annual appropriation therefor.

Also, Senate Bill No. 618—An Act to grant leave of absence to the Surveyor-General and Register of the State Land Office.

Also, substitute for Senate Bill No. 447—An Act to make, open and establish a public street in the City and County of San Francisco, to be called Montgomery avenue, and to take private lands therefor.

Also, substitute for Senate Bill No. 584—An Act concerning street railroads.

Also, Senate Bill No. 648—An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the liquidation and payment of the indebtedness of the City of Marysville, in the County of Yuba, and for other purposes, approved February fifth, eighteen hundred and sixty-eight, approved March tenth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 448—An Act to authorize the Treasurer of Tuolumne County to apportion certain money to the Current Expense Fund of said county and to pay certain warrants.

Also, substitute for Senate Bill No. 113—An Act for the relief of Charles Welsh.

H. H. HAIGHT,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 1st, 1870.

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate Bill No. 595—An Act authorizing the Board of Supervisors of Sierra County to build a certain wagon road in said county and to issue bonds therefor.

Also, Senate Bill No. 221—An Act providing for the adoption of minors and the legitimizing of children born out of wedlock.

Also, Senate Bill No. 514—An Act for the relief of J. Scott Ashman, formerly Sheriff of Fresno County.

Also, Senate Bill No. 59—An Act to provide for the appointment of a Reporter of the Supreme Court, and to define his duties and compensation.

Also, Senate Bill No. 298—An Act concerning the City of Vallejo, and to ratify and confirm a certain ordinance of the Trustees thereof.

Also, Senate Bill No. 453—An Act to empower the County of San Joaquin to aid in the construction of the Stockton and Visalia Railroad.

Also, Senate Bill No. 455—An Act to establish and maintain public pounds for the better securing estrays and other stock in the several townships of the County of San Mateo.

Also, Senate Bill No. 48—An Act for the relief and support of the California Labor and Employment Exchange.

Also, Senate Bill No. 603—An Act to provide for the liquidation of all claims against the State not otherwise provided for by law.

Also, substitute for Senate Bill No. 130—An Act supplementary to and amendatory of an Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight.

H. H. HAIGHT,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 1st, 1870.

*To the Senate of the State of California :*

I have to inform your honorable body, that I have appointed Amos Noyes, Thos. W. Badger and D. McNeal, Commissioners, under the provisions of an Act entitled an Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island, Vallejo and Benicia, approved March twenty-second, eighteen hundred and seventy—and respectfully ask your honorable body to confirm the same.

H. H. HAIGHT,  
Governor.



STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 1st, 1870.

*To the Senate of the State of California :*

I deem it my duty to communicate to your honorable body the reasons why messages returning two bills, whose titles are hereinafter given, failed of being delivered yesterday to the Senate.

The bills referred to, are : Substitute for Senate Bill No. 293—An Act authorizing the parties therein named, their associates and assigns, to construct and maintain a ship canal from the City of Stockton to deep water on the San Joaquin River ; and Senate Bill No. 258—An Act to make, open and establish a public street in the City and County of San Francisco, to be called Montgomery Street South, and to take private lands therefor.

Messages stating the reasons for withholding approval of these bills were prepared and signed before the adjournment of the Senate, and were transmitted through the usual channel to the Senate Chamber before the customary hour of adjournment. The Senate having, by an adjournment until the next day, prevented the delivery of the messages and the return of the bills, they have failed to become laws, and will not, therefore, be deposited in the Secretary of State's office, to be certified as required in the case of bills which become laws by lapse of time without return to the house in which they originated.

I have thought it proper to communicate the facts in the case to your honorable body, and to ask respectfully that this message be spread upon the Journals of the Senate.

H. H. HAIGHT,  
Governor.

On motion of Mr. Roberts, the special message of the Governor was made the special order for Monday next, at two o'clock p. m.

On motion of Mr. Mandeville, the Senate went into executive session for the consideration of Governor's message nominating Pilot Commissioners.

Upon the question, "Will the Senate advise and consent to the appointment of Amos Noyes as Pilot Commissioner?" the roll was called, with the following result :

**AYES**—Messrs. Beach, Betge, Comto, Conly, Conn, Curtis, Farley, Fowler, Gwin, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lewis, Maclay, Mandeville, McDougall, Minis, O'Connor, Pacheco, Perkins, Roberts, Tompkins, Tweed and Wand—27.

**NOES**—None.

Upon the question, "Will the Senate advise and consent to the appointment of Thomas W. Badger as Pilot Commissioner?" the roll was called, with the following result :

**AYES**—Messrs. Banvard, Beach, Betge, Comto, Conn, Curtis, Farley, Fowler, Green, Gwin, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Maclay, Mandeville, McDougall, Morrill, O'Connor, Pendegast, Perkins, Tompkins, Tweed and Wand—26.

**NOES**—None.

Upon the question, "Will the Senate advise and consent to the appointment of D. McNeal as Pilot Commissioner?" the roll was called, with the following result :

**AYES**—Messrs. Beach, Betge, Comte, Conly, Conn, Curtis, Farley, Fowler, Green, Gwin, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lewis, Maclay, Mandeville, McDougall, Morrill, O'Connor, Pendegast, Perkins, Tompkins, Tweed and Wand—27.

**NOES**—None.

# **MESSAGES FROM THE ASSEMBLY.**

The following messages were received from the Assembly :

**ASSEMBLY CHAMBER,**

April 1st, 1870. }

**Mr. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Concurrent Resolution No. 69—Asking Congress to grant aid, in the shape of a donation of land in El Dorado County, to carry forward a canal enterprise.

**MOFFITT,**

Assistant Clerk.

**ASSEMBLY CHAMBER,**

April 1st, 1870. }

**Mr. PRESIDENT:** I am directed to inform your honorable body that the Governor having returned to the Assembly, without his approval, Assembly Bill No. 154—An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and proceedings had thereunder—and the question being on the passage of the bill, notwithstanding the objection of the Governor, it was carried (ayes fifty-five, noes fifteen), and the same is presented to the Senate, with the message, for action.

Also, that the Assembly, on this day, receded from its amendments to Senate Bill No. 612—An Act concerning gas companies—and return the bill to the Senate for correction of an amendment which appears to have been made by the Senate after the bill passed the Assembly, which said amendment the Assembly refuse to recognize.

And, on yesterday, passed Assembly Bill No. 681—An Act to provide for the improvement of a certain part of the City and County of San Francisco.

Also, Assembly Bill No. 728—An Act to amend an Act entitled an Act declaring certain rivers and creeks navigable.

Also, Assembly Bill No. 501—An Act for the relief of the Hibernia Greens.

Also, Senate Bill No. 667—An Act to define the powers of Justices of the Peace in the City and County of San Francisco.

Also, Senate Bill No. 669—An Act to provide for the payment of the salary of the County Treasurer of the County of Colusa.

Also, Senate Bill No. 100—An Act for the relief of John H. Smith.

And, on this day, amended and passed Senate Bill No. 548—An Act to empower the County of Monterey to aid in the construction of the Monterey and Salinas Valley Railroad.

Also, adopted Senate Concurrent Resolution No. 22—Relative to granting subsidies to establish a mail route between San Francisco and Melbourne, etc.

**CRAWFORD,**

Assistant Clerk.

ASSEMBLY CHAMBER,  
April 1st, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed substitute for Assembly Bill No. 575—An Act to authorize certain parties to introduce water into the City and County of San Francisco.

And, on this day, passed substitute for Senate Bill No. 607—An Act to create a Board of Water Commissioners for the City and County of Los Angeles, and to define their duties and powers.

Also, Senate Bill No. 670—An Act to amend an Act entitled an Act declaring certain creeks in Marin County navigable.

FERRAL,  
Chief Clerk.

ASSEMBLY CHAMBER,  
April 1st, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted a resolution requesting the return of Senate Bill No. 612 to the Assembly for the correction of an error.

Also, passed substitute for Senate Bills Nos. 143 and 107—An Act for the restoration and preservation of fish in the waters of this State.

And refused to pass Senate Bill No. 562—An Act for the encouragement of agriculture

Also, passed Assembly Bill No. 748—An Act to amend an Act entitled an Act to provide for the paving of the streets in the City and County of San Francisco, approved March fourteenth, eighteen hundred and sixty-eight.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 1st, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on the thirty-first day of March, passed Assembly Bill No. 740—An Act amendatory of and supplementary to an Act to provide for the continuance of a Board of Supervisors in San Mateo County.

And, on this day, passed Senate Bill No. 187—An Act for the relief of Caleb Dorsey, District Attorney of Tuolumne County.

Also, passed Senate Bill No. 329—An Act to authorize the construction of a railroad from the Town of Santa Clara to the City of San José, in Santa Clara County.

Also, passed Assembly Bill No. 745—An Act to submit to the qualified electors of Kern County the question of a removal of the county seat.

MOFFITT,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 1st, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 448—An Act concerning lands in the Bay of San Diego.

Also, Assembly Bill No. 746—An Act to amend an Act, approved April twenty-fifth, eighteen hundred and sixty-three, entitled an Act providing for the government of the County of Sacramento.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 1st, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Assembly Bill No. 535—An Act for the relief of J. R. Walker, Sheriff of Fresno County.

Also, Senate Bill No. 668—An Act to aid in giving effect to an Act of Congress relating to the Southern Pacific Railroad Company.

Also, Senate Bill No. 666—An Act to empower the City and County of San Francisco to aid in the construction of the Southern Pacific Railroad.

And that the Assembly refused to concur in Senate amendments to Assembly Bill No. 568—An Act to incorporate the Town of Brooklyn.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 1st, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on yesterday, passed Assembly Bill No. 734—An Act to submit to the qualified electors of the City and County of San Francisco a proposition to remit said city and county's portion of all taxes on moneys received by savings and loan societies secured by mortgage.

Also, passed Senate Bill No. 655—An Act to amend an Act entitled an Act to regulate proceedings in civil cases.

Also, substitute for Assembly Bills Nos. 62 and 523—An Act to provide a uniform system of ballots in this State.

And, on this day, passed Assembly Bill No. 741—An Act to amend an Act to regulate the fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto.

Also, Senate Bill No. 657—An Act to provide for the construction of and maintenance of toll roads within the State of California.

Also, amended and passed Senate Bill No. 559—An Act to empower the Counties of Yolo, Colusa and Tehama to aid in the construction of a railroad in said counties.

Also, passed Senate Bill No. 538—An Act to authorize the Counties of Tehama and Colusa to aid in the construction of a railroad proposed to be built by the Benicia and Red Bluff Railroad Company.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 2d, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on March thirtieth, passed Senate Bill No. 625—An Act to authorize the Board of Supervisors of Santa Clara County to issue

bonds and apply the proceeds thereof to the purchasing of school and other furniture for the State Normal School.

Also passed, April first, Senate Bill No. 85—An Act the better to secure the collection of license taxes in the City and County of San Francisco.

Also passed, same date, Senate Bill No. 308—An Act appropriating money to pay outstanding Indian war bonds.

Also, passed Assembly Bill No. 601—An Act to amend an Act entitled an Act to amend sections seven, five hundred and thirty-five and five hundred and forty-one of an Act entitled an Act to regulate proceedings in civil cases, etc.

And, on this day, passed Assembly Bill No. 579—An Act to pay for services rendered for the State, etc.

Also, passed Senate Bill No. 665—An Act supplementary to an Act to provide compensation to parties whose property may be destroyed by mobs, approved March twenty-seventh, eighteen hundred and sixty-eight.

Also, passed Senate Bill No. 554—An Act to extend the time allowed to the Southern Pacific Railroad Company and the Western Pacific Railroad Company in which to make the terminus of their roads upon certain lands donated by the State, etc.

Also, passed Assembly Bill No. 495—An Act regulating the collection of delinquent taxes in the County of Alameda.

Also, passed substitute for Assembly Bill No. 545—An Act for the relief of J. J. McCreedy.

Also, passed substitute for Assembly Bill No. 290—Amendment to the Constitution.

FERRAL,  
Chief Clerk.

ASSEMBLY CHAMBER,  
April 2d, 1870. }

MR PRESIDENT: I am directed to inform your honorable body that the Assembly, on March thirty-first, passed Assembly Bill No. 418—An Act to obtain and preserve genuine vaccine matter, etc.

Also passed, this day, Assembly Bill No. 672—An Act concerning taxes on live stock, etc.

Also, passed Senate Bill No. 614—An Act to establish and define the powers and duties of the Secretary of the Board of Education of the City and County of San Francisco.

FERRAL,  
Chief Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bill No. —, above reported, amendments of Assembly concurred in by the Senate.

Assembly Bill No. 612, above reported, read first and second times, rules suspended, bill read a third time and passed.

Assembly Bill No. 725, above reported, read first and second times and referred to the Committee on Swamp and Overflowed Lands.

Mr. Maclay moved to instruct the committee to report the bill this evening, at half-past seven o'clock.

Upon which the ayes and noes were demanded by Messrs. Maclay, Green and Irwin, and the Senate refused, by the following vote :

**AYES**—Messrs. Beach, Betge, Chappell, Comte, Curtis, Farley, Green, Hutchings, Kincaid, Lawrence, Lewis, Maclay, McDougall, Murch and Turner—15.

**NOES**—Messrs. Conly, Conn, Fowler, Gwin, Hager, Hunter, Irwin, Larkin, Mandeville, Minis, O'Connor, Orr, Pacheco, Pendegast, Perkins, Roberts, Saunders, Tompkins, Tweed and Wand—20.

Assembly Bill No. 540, above reported, read first and second times, rules suspended, read a third time and passed.

Substitute for Assembly Bill No. 575, above reported, read first and second times.

Mr. Hager moved to refer the bill to the San Francisco delegation.

Upon which the ayes and noes were demanded by Messrs. Hager, Betge and Lewis, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Beach, Betge, Chappell, Comte, Conly, Conn, Curtis, Farley, Green, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Maclay, Minis, Murch, Orr, Pacheco, Perkins, Tweed and Wilson—23.

**NOES**—Messrs. Banvard, Lawrence, Lewis, Mandeville, McDougall, O'Connor, Pendegast, Roberts, Saunders, Tompkins, Turner and Wand—12.

On motion of Mr. Hager, the rules were suspended for the consideration of amendments to the State Constitution.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

The following are the proposed amendments, as amended by the Senate :

#### AMENDMENTS TO THE CONSTITUTION.

The Legislature of the State of California, at its eighteenth session, commencing on the sixth day of December, A. D. eighteen hundred and sixty-nine, proposed the following amendments to the Constitution :

Section two of article four to read as follows :

#### ARTICLE IV—LEGISLATIVE DEPARTMENT.

**SEC. 2.** The sessions of the Legislature shall be biennial, and shall commence on the first Wednesday after the first Monday of January next ensuing the election of its members, unless the Governor of the State shall in the interim convene the Legislature by proclamation. No session shall continue longer than one hundred and twenty days.

Section two of article five to read as follows :

#### ARTICLE V—EXECUTIVE DEPARTMENT.

**SEC. 2.** The Governor shall be elected by the qualified electors, at the time and places of voting for members of the Assembly, and shall hold his office four years from and after the first Wednesday after the

first Monday in January subsequent to his election, and until his successor is elected and qualified.

The roll was called, and the proposed amendments were adopted by the following vote :

**AYES**—Messrs. Banvard, Beach, Betge, Chappell, Comte, Conly, Curtis, Farley, Fowler, Green, Hager, Hunter, Hutchings, Irwin, Larkin, Lawrence, Lewis, Maclay, McDougall, Minis, Murch, O'Connor, Orr, Pacheco, Pendegast, Perkins, Roberts, Saunders, Tompkins, Turner, Tweed, Wand and Wing—33.

**NOES**—None.

Mr. Larkin moved to suspend the rules for the consideration of Senate Bill No. 481—Proposed amendments to the Constitution of the State of California

Upon which the ayes and noes were demanded by Messrs. Larkin, Lewis and Green, and the Senate refused, by the following vote :

**AYES**—Messrs. Betge, Farley, Fowler, Hager, Hunter, Larkin, Lawrence, Lewis, Morrill, O'Connor and Wand—11.

**NOES**—Messrs. Banvard, Beach, Comte, Green, Hutchings, Irwin, Kincaid, Maclay, Mandeville, McDougall, Minis, Murch, Orr, Pacheco, Pendegast, Roberts, Saunders, Tompkins and Wing—18.

#### CONSIDERATION OF ASSEMBLY MESSAGES RESUMED.

Assembly Bill No. 735, above reported, read first and second times, rules suspended, bill read a third time and passed.

Senate Bill No. 300, above reported, amendments of Assembly concurred in by the Senate.

Assembly Bill No. 453, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 668, above reported, read first and second times and referred to the Judiciary Committee.

Assembly Bill No. 632, above reported, read first and second times, rules suspended, bill read a third time and passed.

Pending the consideration of said bill, at two o'clock P. M. Senate took up consideration of special order.

#### SPECIAL ORDER.

Governor's message, returning without his approval, Senate Bill No. 135.

Upon the question, "Shall the bill become a law, notwithstanding the objections of the Governor?" the roll was called, and the Senate refused, by the following vote :

**AYES**—Mr. Maclay—1.

**NOES**—Messrs. Banvard, Beach, Betge, Chappell, Conly, Curtis, Farley, Fowler, Green, Hager, Hunter, Hutchings, Kincaid, Lewis, Mandeville, McDougall, Minis, Morrill, O'Connor, Pacheco, Pendegast, Perkins, Tompkins, Tweed and Wand—24.

Also, Governor's message, returning without his approval, Assembly Bill No. 154.

Upon the question, "Shall the bill become a law, notwithstanding the objections of the Governor?" the roll was called, and the Senate refused, by the following vote :

**AYES**—Messrs. Beach, Betge, Chappell, Comte, Conly, Curtis, Farley, Green, Hutchings, Irwin, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murch, Orr, Pacheco, Roberts, Saunders, Turner, Tweed, Wand and Wing—24.

**NOES**—Messrs. Banvard, Conn, Fowler, Hager, Hunter, Larkin, Lewis, Mandeville, Minis, O'Connor, Pendegast, Perkins, Tompkins and Wilson—14.

Also, Governor's message, returning without his approval, Senate Bill No. 428.

Upon the question, "Shall the bill become a law, notwithstanding the objections of the Governor?" the roll was called, and the Senate refused, by the following vote :

**AYES**—Messrs. Betge, Chappell, Comte, Green, Kincaid, Lawrence, Maclay, Morrill, Murch, Orr, Pacheco and Turner—12.

**NOES**—Messrs. Banvard, Beach, Conly, Conn, Curtis, Farley, Fowler, Hager, Hunter, Irwin, Larkin, Lewis, Mandeville, McDougall, Minis, O'Connor, Pendegast, Perkins, Roberts, Saunders, Tompkins, Tweed, Wilson and Wing—24.

Also, Governor's message, returning without his approval, Senate Bill No. 179.

Upon the question, "Shall the bill become a law, notwithstanding the objections of the Governor?" the roll was called, and the Senate refused, by the following vote :

**AYES**—Messrs. Banvard, Betge, Chappell, Comte, Curtis, Farley, Green, Hutchings, Kincaid, Lawrence, Maclay, McDougall, Murch, Orr, Pacheco, Roberts, Turner, Tweed and Wing—19.

**NOES**—Messrs. Conly, Conn, Fowler, Hager, Hunter, Irwin, Larkin, Lewis, Mandeville, Minis, O'Connor, Pendegast, Perkins, Saunders, Tompkins, Wand and Wilson—17.

Also, Governor's message, returning without his approval, Senate Bill No. 154.

Upon the question, "Shall the bill become a law, notwithstanding the objections of the Governor?" the roll was called, and the Senate refused, by the following vote :

**AYES**—Messrs. Lawrence, Murch, Orr and Turner—4.

**NOES**—Messrs. Banvard, Betge, Comte, Conly, Conn, Curtis, Farley, Fowler, Hager, Hunter, Larkin, Lewis, Mandeville, McDougall, Minis, O'Connor, Pendegast, Perkins, Saunders, Tompkins, Tweed and Wand—22.

Also, the following message :



STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 2d, 1870. }

*To the Senate of the State of California :*

I herewith return to your honorable body, without approval, Senate Bill No. 491—An Act to authorize Samuel M. Sproul, George F. Jones, Charles L. Stilson and James A. Clark to construct and maintain water works in the Town of Chico.

This bill is obnoxious to the objections heretofore made and sustained to similar bills. The general law makes ample provision and there is no necessity for a special Act.

H. H. HAIGHT,  
Governor.

[President in the chair.]

Upon the question, "Shall the bill become a law, notwithstanding the objections of the Governor?" the roll was called, and the Senate refused, by the following vote:

**AYES**—Messrs. Curtis, Green, Lawrence, Maclay, Orr and Turner—6.

**NOES**—Messrs. Banvard, Comte, Conly, Conn, Farley, Fowler, Hunter, Irwin, Larkin, Lewis, Mandeville, McDougall, Minis, O'Connor, Pendegast, Perkins, Saunders, Tompkins, Wand and Wilson—20.

CONSIDERATION OF ASSEMBLY MESSAGES RESUMED.

Assembly Bill No. 658, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 649, above reported, read first and second times, rules suspended, bill read a third time and passed.

Assembly Bill No. 656, above reported, read first and second times, rules suspended; bill read a third time and passed.

REPORT.

Mr. Lawrence, from the Committee on Corporations, made the following report :

Mr. PRESIDENT: The Committee on Corporations, to whom was referred Assembly Bill No. 299—An Act amendatory of and supplementary to an Act entitled an Act relating to fire and marine insurance companies, approved April second, eighteen hundred and sixty-six—have examined the same and herewith report it back for the consideration of the Senate.

KINCAID,  
LAWRENCE,  
LARKIN,  
CHAPPELL.

The rules were suspended and Assembly Bill No. 299, above reported, read first and second times.

Mr. Saunders moved to refer the bill to the Judiciary Committee.

Upon which the ayes and noes were demanded by Messrs. Hager, Lawrence and Green, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Beach, Chappell, Comte, Conly, Curtis, Green, Hager, Hutchings, Irwin, Maclay, Minis, Morrill, Orr, Pacheco, Pendegast, Perkins, Roberts, Saunders, Tompkins, Tweed and Wing—21.

**NOES**—Messrs. Banvard, Betge, Farley, Hunter, Larkin, Lawrence, Lewis, McDougall, O'Connor, Turner and Wand—11.

Mr. Pendegast moved to suspend the rules and take out of Assembly message Senate Bill No. 559.

Upon which the ayes and noes were demanded by Messrs. Green, Lewis and Irwin, and the Senate refused, by the following vote:

**AYES**—Messrs Banvard, Comte, Curtis, Hager, Hutchings, Irwin, Kincaid, Mandeville, McDougall, Minis, Murch, Orr, Pacheco, Pendegast, Roberts, Saunders, Tompkins, Turner, Wand and Wing—20.

**NOES**—Messrs. Chappell, Conly, Farley, Fowler, Green, Hunter, Lawrence, Lewis, Maclay, O'Connor and Tweed—11.

Assembly Bill No. 741, above reported, read first and second times, rules suspended, read a third time and passed.

#### RESOLUTION.

Mr. Hager had leave to introduce the following resolution:

*Resolved*, That the general file of to-day be considered in connection with the special file this evening—each file to be called through in its regular order; this resolution not to conflict with the rules introduced by Senator Roberts, except that the general file be considered as a part of the special file for this evening, the general file to be called first.

Adopted.

#### REPORT.

Mr. Wand had leave to make the following report:

**MR. PRESIDENT:** The San Francisco delegation, to whom was referred Assembly Bill No. 658—An Act to create a Labor Exchange in the City and County of San Francisco—have had the same under consideration, and herewith report it back with the recommendation that it pass.

WAND,  
SAUNDERS,  
HAGER,  
KINCAID,  
BETGE.

#### CONSIDERATION OF ASSEMBLY MESSAGES RESUMED.

Senate Bill No. 318, above reported, amendments made by the Assembly concurred in by the Senate.

Assembly Bill No. 625, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 666, above reported, read first and second times, rules suspended and bill placed on special file.

Assembly Bill No. 724, above reported, read first and second times and indefinitely postponed.

Assembly Bill No. 727, above reported, read first and second times, rules suspended, bill read a third time and passed.

Senate Bill No. 559, above reported.

Upon concurring in the amendment made by the Assembly, striking out Yolo County, the ayes and noes were demanded by Messrs. Lewis, Minis and Green, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Beach, Comte, Conly, Curtis, Hutchings, Irwin, Kincaid, Mandeville, McDougall, Minis, Murch, Orr, Pendegast, Roberts, Saunders, Tompkins, Turner, Tweed, Wand and Wing—21.

**NOES**—Messrs. Chappell, Farley, Fowler, Green, Hager, Larkin, Lawrence, Lewis, Maclay and Perkins—10.

Upon concurring in the amendment to section twelve, the ayes and noes were demanded by Messrs. Lawrence, Lewis and Larkin, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Beach, Comte, Conly, Curtis, Fowler, Hutchings, Irwin, Kincaid, Larkin, Lewis, Mandeville, McDougall, Minis, Murch, Orr, Pacheco, Pendegast, Perkins, Roberts, Saunders, Tompkins, Turner, Tweed, Wand and Wing—25.

**NOES**—Messrs. Banvard, Chappell, Farley, Green, Lawrence and Maclay—6.

Amendment to section two adopted.

Amendment to title adopted.

At five o'clock and twenty-five minutes P. M., on motion of Mr. Maclay, the Senate adjourned.

#### EVENING SESSION.

Senate met pursuant to adjournment.

President in the chair.

Roll called

Quorum present.

#### GENERAL FILE.

Senate Bill No. 649—An Act to amend an Act entitled an Act requiring compensation for causing death by wrongful acts, neglect or default, approved April twenty-sixth, eighteen hundred and sixty-two.

Upon suspending the rules for the purpose of considering the bill engrossed, the ayes and noes were demanded by Messrs. Lewis, Mandeville and Larkin, and the Senate refused, by the following vote :

**AYES**—Messrs. Beach, Chappell, Conly, Green, Hager, Hutchings, Lawrence, Maclay, Morrill, Orr, Pacheco, Pendegast, Roberts, Saunders, Tompkins and Wand—16.

**NOES**—Messrs. Conn, Curtis, Farley, Fowler, Irwin, Larkin, Lewis, Mandeville, McDougall, Minis, Murch, O'Connor, Perkins, Turner, Tweed and Wing—16.

[Mr. Farley in the chair.]

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly :

ASSEMBLY CHAMBER,  
April 2d, 1870. }

MR. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, refused to concur in Senate substitute for Assembly Bill No. 733—An Act to fix the rate of taxation for State purposes.

And indefinitely postponed Senate Bill No. 358—An Act for the relief of Will S. Green.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGE.

Substitute for Assembly Bill No. 733, above reported, Assembly refuse to concur in Senate amendments to section one of said bill.

Upon the question, "Will the Senate recede from its amendment?" the ayes and noes were demanded by Messrs. Hager, Larkin and Lewis, and the Senate so ordered, by the following vote:

AYES—Messrs. Banvard, Beach, Chappell, Comte, Curtis, Farley, Fowler, Hager, Irwin, Larkin, Lawrence, Mandeville, Minis, Murch, O'Connor, Perkins, Wand and Wing—18.

NOES—Messrs. Betge, Conly, Conn, Green, Hutchings, Kincaid, Lewis, Maclay, McDougall, Morrill, Orr, Pendegast, Roberts, Turner and Tweed—15.

#### GENERAL FILE RESUMED.

Senate Bill No. 664—An Act to establish a State Board of Immigration and to define their duties and powers.

Passed on file.

Assembly Bill No. 438—An Act to locate the county seat of the County of Stanislaus.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed:

Assembly Bill No. 500—An Act to authorize the construction of a swing and draw bridge across the San Antonio Creek, in the County of Alameda.

Read a third time and passed.

Senate Bill No. 325—An Act to provide for the payment of certain witnesses in the case of the People of the State of California vs. Horace Smith.

Passed on file.

Assembly Bill No. 449—An Act amendatory of and supplementary to an Act concerning crimes and punishments, approved April sixteenth, eighteen hundred and fifty, and amended March twenty-eighth, eighteen hundred and sixty-eight.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate.

Bill read a third time and passed; title amended and amendment adopted.

Assembly Bill No. 427—An Act in relation to the school lands of the State.

Read a third time and passed.

Assembly Bill No. 693—An Act to amend an Act entitled an Act to regulate fees of office.

Read a third time and passed.

Assembly Bill No. 637—An Act to amend an Act entitled an Act to provide for the management and sale of the lands belonging to the State.

Passed on file.

Assembly Bill No. 340—An Act for the preservation of trout in the Counties of Santa Clara, San Mateo, Monterey, Alameda, Marin, Sonoma, Placer and Nevada.

Passed on file.

Assembly Concurrent Resolution No. 34—Concerning lands in the desert west of Fort Yuma.

Indefinitely postponed.

Assembly Bill No. 235—An Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty-nine, and the Acts amendatory thereto, passed February fifteenth, eighteen hundred and sixty-four, approved April second, eighteen hundred and sixty-six.

Indefinitely postponed.

Assembly Bill No. 164—An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and the various Acts amendatory thereof and supplementary thereto.

Indefinitely postponed.

Assembly Bill No. 12—An Act amendatory of and supplementary to an Act to regulate criminal cases, passed May first, eighteen hundred and fifty-one, and all Acts amendatory thereof.

Indefinitely postponed.

Assembly Bill No. 216—An Act more fully defining the crime of larceny.

Indefinitely postponed.

#### REPORT.

Mr. Banvard made the following report :

Mr. PRESIDENT: Your Committee of Conference, to whom was referred Assembly Bill No. 657, have had the same under consideration, and beg leave to report as follows: Amend by adding two thousand dollars for the Upper Sacramento Agricultural Society; and the Assembly is hereby respectfully asked to recede from their action in refusing to donate to the State Agricultural Society and District Fairs the sums allowed in the amendments, viz: Eight thousand dollars for the State Agricultural Society and two thousand dollars each to the District Fairs.

The Assembly is also respectfully asked to recede from its action in rejecting the Senate amendment in relation to the contingent expenses of Justices of the Supreme Court.

In relation to clerk hire in the Adjutant-General's office, the follow-

ing amendment is recommended, viz: Strike out "thirty-six hundred dollars" and insert "three thousand dollars."

Also, the Assembly is respectfully asked to recede from its action in refusing to concur in the Senate amendment in relation to the salaries and commissions of Stamp Inspectors.

The Assembly is also respectfully asked to recede from its action in adopting the Senate amendment in relation to the salary of the Lieutenant-Governor, as Warden of the State Prison.

Also, to recede from its action in adopting Senate amendment in relation to payment of salary of Guardian of Yosemite Valley and Mariposa Big Tree Grove.

E. M. BANYARD, Chairman.

E. D. LEWELLING, Secretary.

Adopted.

#### GENERAL FILE RESUMED

Assembly Bill No. 168—An Act to amend an Act entitled an Act to exempt the homestead and other property from forced sale in certain cases, approved April twenty-first, eighteen hundred and fifty-one.

Indefinitely postponed.

Assembly Bill No. 316—An Act supplementary to an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

Indefinitely postponed.

Assembly Bill No. 41—An Act to create the office of Bank Commissioner and to prescribe his duties and powers.

Passed on file.

Assembly Bill No. 88—An Act to amend an Act to regulate proceedings in civil cases in Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one.

Indefinitely postponed.

Assembly Bill No. 529—An Act to except aged and infirm persons from their liabilities for road poll tax.

Passed on file.

Assembly Bill No. 539—An Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals on private property, approved March twenty-sixth, eighteen hundred and sixty-seven.

Passed on file.

Assembly Bill No. 606—An Act in relation to sales and conveyances made by the Pacific Savings and Homestead Association.

Read a third time and passed.

Assembly Bill No. 707—An Act to amend an Act entitled an Act to provide for the appointment of a Reporter of the Supreme Court and define his duties and compensation, passed at the eighteenth session of the Legislature.

Passed on file.

Senate Bill No. 292—An Act in relation to the duties of dealers in second-hand merchandise.

Substitute reported by Judiciary Committee adopted.

Bill read a third time and passed.

Senate Bill No. 80—An Act to develop home industries and encourage and promote iron mining and manufacturing in California.

Indefinitely postponed.

Senate Bill No. 374—An Act to amend section forty-six of the Civil Practice Act.

Indefinitely postponed.

Senate Bill No. 388—An Act creating the office of Commissioner of Assessments for the City and County of San Francisco.

Indefinitely postponed.

Senate Bill No. 197—An Act to appropriate money for the salary of the Assistant Adjutant-General of the State for the twentieth and twenty-first fiscal years.

Indefinitely postponed.

Senate Bill No. 81—An Act to provide for the payment of certain services heretofore rendered the State.

Withdrawn.

Mr. Maclay moved to reconsider the vote by which Senate Bill No. 388 was indefinitely postponed.

Upon which the ayes and noes were demanded by Messrs. Hager, Saunders and Roberts, and the Senate so ordered, by the following vote:

AYES—Messrs. Banvard, Beach, Betge, Comte, Curtis, Fowler, Green, Kincaid, Lewis, Maclay, Mandeville, McDougall, O'Connor, Orr, Pendergast and Perkins—16.

NOES—Messrs. Chappell, Conly, Hager, Irwin, Larkin, Minis, Murch, Pacheco, Roberts, Saunders, Tompkins, Turner, Tweed and Wand—14.

Mr. Hager objected to the consideration of the bill.

There being objections, the bill was passed on file.

Senate Bill No. 425—An Act to provide five competitive scholarships for the benefit of meritorious young men desirous of entering the University

Indefinitely postponed.

Senate Bill No. 315—An Act to amend an Act entitled an Act defining the rights of husband and wife, passed April seventeenth, eighteen hundred and fifty.

Passed on file.

Senate Bill No. 408—An Act making an appropriation for translating into Spanish the several State documents ordered during the present session of the Legislature.

Passed on file

[President pro tem. in the chair.]

Senate Bill No. 414—An Act to appropriate money for the payment of certain unpaid interest coupons issued by authority of the Legislature of this State.

Indefinitely postponed.

Senate Bill No. 488—An Act to amend an Act entitled an Act to amend section eighty-two of an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 371—An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

Rules suspended, bill considered engrossed, read a third time and passed.

Senate Bill No. 343—An Act to provide for the recording of final decrees of partitions of real estate.

Rules suspended, bill considered engrossed, read a third time and passed.

[Mr. Farley in the chair.]

At ten o'clock and twenty-five minutes P. M. Mr. Mandeville moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Larkin, Kincaid and Mandeville, and the Senate refused, by the following vote :

**AYES**—Messrs. Conn, Fowler, Larkin, Mandeville, Minis, O'Connor and Tompkins—7.

**NOES**—Messrs. Banvard, Beach, Betge, Chappell, Comte, Conly, Curtis, Farley, Green, Hager, Hutchings, Irwin, Kincaid, Lawrence, Lewis, Maclay, McDougall, Morrill, Murch, Orr, Pacheco, Pendegast, Roberts, Turner, Tweed, Wand and Wing—27.

Mr. Lawrence presented the following resolution :

*Resolved*, That the vote by which the Senate, this day, refused to pass Assembly Bill No. 154—An Act to ratify and confirm certain ordinances, orders and resolutions of the Board of Supervisors of the City and County of San Francisco—be reconsidered, an erroneous count having been made by the admission of the votes of Senators who were not within the bar at the time the roll was called, and that the admission of such votes caused an erroneous result.

The Chair decided the resolution out of order.

Mr. Kincaid appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded by Messrs. Larkin, Kincaid and Roberts, and the Senate refused, by the following vote :

**AYES**—Messrs. Banvard, Conn, Fowler, Hager, Irwin, Larkin, Mandeville, Minis, O'Connor, Pacheco and Tompkins—11.

**NOES**—Messrs. Betge, Chappell, Comte, Conly, Curtis, Green, Hutchings, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murch, Orr, Roberts, Saunders, Turner, Wand and Wing—19.

At eleven o'clock and ten minutes P. M. Mr. Fowler moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Kincaid, Roberts and Betge, and the Senate refused, by the following vote :

**AYES**—Messrs. Conn, Fowler, Larkin, Mandeville, Minis and Tompkins—6.

**NOES**—Messrs. Banvard, Betge, Chappell, Comte, Conly, Curtis, Green, Hager, Hutchings, Irwin, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murch, O'Connor, Orr, Pacheco, Roberts, Turner, Wand and Wing—23.

Mr. Banvard moved to make the resolution introduced by Mr. Lawrence the special order for Monday next, at eleven and a half o'clock A. M.

Upon which the ayes and noes were demanded by Messrs. Larkin, Chappell and Saunders, and the Senate refused, by the following vote :



**AYES**—Messrs. Banvard, Comte, Conly, Conn, Farley, Fowler, Irwin, Larkin, Mandeville, Minis, O'Connor, Saunders and Tompkins—13.

**NOES**—Messrs. Beach, Betge, Chappell, Curtis, Green, Hager, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murch, Orr, Pacheco, Roberts, Turner, Tweed, Wand and Wing—19.

At eleven o'clock and twenty minutes p. m. Mr. Minis moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Fowler, O'Connor and Minis, and the Senate refused, by the following vote :

**AYES**—Messrs. Conn, Farley, Fowler, Hager, Irwin, Larkin, Mandeville, Minis, O'Connor and Tompkins—10.

**NOES**—Messrs. Banvard, Beach, Betge, Chappell, Comte, Conly, Curtis, Green, Hutchings, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murch, Orr, Pacheco, Roberts, Saunders, Turner, Tweed, Wand and Wing—23.

Mr. Larkin moved a call of the Senate.

Upon which the ayes and noes were demanded by Messrs. O'Connor, Fowler and Larkin, and the Senate refused, by the following vote :

**AYES**—Messrs. Conn, Fowler, Hager, Irwin, Larkin, Mandeville, Minis, O'Connor and Tompkins—9.

**NOES**—Messrs. Banvard, Beach, Betge, Chappell, Comte, Curtis, Green, Hutchings, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murch, Orr, Pacheco, Roberts, Saunders, Turner, Tweed, Wand and Wing—22.

At eleven o'clock and thirty minutes p. m. Mr. Fowler moved to adjourn.

Upon which the ayes and noes were demanded by Messrs. Fowler, O'Connor and Larkin, and the Senate refused, by the following vote :

**AYES**—Messrs. Conn, Farley, Fowler, Hager, Irwin, Larkin, Mandeville, Minis, O'Connor, Saunders and Tompkins—11.

**NOES**—Messrs. Banvard, Beach, Betge, Chappell, Comte, Conly, Curtis, Green, Kincaid, Lawrence, Maclay, McDougall, Morrill, Murch, Orr, Pacheco, Pendegast, Roberts, Turner, Tweed, Wand and Wing—22.

Mr. Kincaid moved the previous question, which was seconded by Messrs. Roberts, Lawrence and Chappell.

At eleven o'clock and fifty minutes p. m. Mr. Hager moved to adjourn.

The Chair decided the motion out of order.

Mr. Hager appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded by Messrs. Fowler, O'Connor and Larkin, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Beach, Betge, Chappell, Comte, Curtis, Green, Hutchings, Irwin, Kincaid, Lawrence, Maclay, McDougall, Minis, Morrill, O'Connor, Orr, Tompkins, Turner, Tweed, Wand and Wing—22.

**NOES**—Messrs. Conly, Conn, Fowler, Hager, Larkin, Mandeville, Murch, Pacheco, Pendegast and Roberts—10.

At twelve o'clock midnight, the President declared further business as improper, and announced the Senate adjourned.

WILLIAM HOLDEN,

President of the Senate.

Attest: JOSEPH ROBERTS, Jr., Secretary of Senate.

## IN SENATE.

SENATE CHAMBER,

Monday, April 4th, 1870. }

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Mr. Gwin was granted leave of absence for one day.

Prayer by the Chaplain.

Reading of the Journals postponed until the evening session.

On motion of Mr. Banvard, and by unanimous consent, the vote by which the report of the Committee of Conference on Assembly Bill No. 657 was adopted, was reconsidered.

## REPORTS.

Mr. Banvard presented the following report :

MR. PRESIDENT: Your Joint Committee of Conference, to whom was recommitteed Assembly Bill No. 657—An Act making appropriations for the support of the civil Government of the State of California, for the twenty-second and twenty-third fiscal years, commencing on the first day of July, eighteen hundred and seventy, and ending on the thirtieth day of June, eighteen hundred and seventy-two—have had the same under consideration and agree upon the following report :

By rejecting Senate amendment "for each District Agricultural Society, two thousand dollars."

Also, for the State Agricultural Society, strike out "eight thousand dollars," and insert "six thousand dollars."

Also, for clerk hire in the Adjutant-General's office, strike out the words "thirty-six hundred dollars," and insert "three thousand dollars."

Also, reject Senate amendment providing "for salary of the Lieutenant-Governor, as Warden of the State Prison, seven thousand three hundred dollars."

Also, reject Senate amendment providing "for the payment of Guardian of the Yosemite Valley and Mariposa Big Tree Grove, and incidental expenses, to be expended under the direction of the Governor, two thousand dollars."

All of which is respectfully submitted.

BANVARD,  
MANDEVILLE,  
MARTIN,  
BIGGS,  
LEWELLING,  
PERKINS,  
Committee of Conference.

Adopted.

Mr. Perkins made the following report :

Mr. PRESIDENT: Your Joint Committee of Conference, to whom was referred Assembly Bill No. 680—An Act entitled an Act making appropriations for the support of the several charitable institutions therein specified, during the twenty-second and twenty-third fiscal years, commencing with the first day of July, eighteen hundred and seventy, and ending with the thirtieth day of June, eighteen hundred and seventy-two, inclusive—would respectfully recommend the Senate to recede from its former action in regard to the several amendments proposed to the said Act, and unanimously recommend the adoption of the following report:

That the several sums below enumerated be appropriated as follows :

For the Protestant Orphan Asylum of Sacramento, fifteen hundred dollars.

For the St. Joseph's School of Sacramento, fifteen hundred dollars.

For the Protestant Orphan Asylum of San Francisco, eight thousand dollars.

For the Ladies' Protection and Relief Society of San Francisco, twelve thousand dollars.

For the Sisters of Mercy Hospital of Los Angeles, one thousand dollars

Your joint committee would also respectfully recommend that the sum of twenty-five hundred dollars be appropriated to the Roman Catholic Female Orphan Asylum of San Francisco, and twenty-five hundred dollars to the Boys' Orphan Asylum of San Rafael.

All of which is respectfully submitted.

PERKINS,  
MANDEVILLE,  
BANVARD,  
LAMBERT,  
KOUTZ,  
NAPHTALY,

Committee of Conference.

Adopted.

Mr. O'Connor, from the Committee on Engrossment, made the following report :

Mr. PRESIDENT: The Committee on Engrossment have examined and find correctly engrossed Senate Bill No. 488—An Act to amend an Act entitled an Act to amend section eighty-two of an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three.

Also, substitute for Senate Bill No. 292—An Act entitled an Act in relation to dealers in second hand merchandise.

Also, Senate Bill No. 371—An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

O'CONNOR, Chairman.

On motion of Mr. McDougall, the rules were suspended for the consideration of Senate Bill No. 548, heretofore reported from the Assembly, with amendments.

On motion, the amendments made by the Assembly were concurred in by the Senate.

The President of the Senate presented the following report from the State Prison Directors:

*To the Honorable Legislature of the State of California :*

The undersigned, Directors of the State Prison, in accordance with the provisions of an Act of the Legislature, approved March ninth, eighteen hundred and sixty-eight, entitled an Act to authorize the Board of State Prison Directors to recommend the pardoning of convicts in the State Prison, hereby recommend the following named persons, now confined in the State Prison, for Executive clemency :

| Name.                     | County.             | When committed.     | Term.     |
|---------------------------|---------------------|---------------------|-----------|
| W. A. Henderson .....     | Placer .....        | May, 1865 .....     | 30 years. |
| Peter Burke.....          | Mendocino .....     | July, 1867 .....    | 25 years. |
| Joseph Dewell.....        | Amador .....        | January, 1863 ..... | 16 years. |
| Frank Coffman.....        | El Dorado .....     | August, 1864.....   | Life.     |
| C. A. Brown .....         | Yolo.....           | March, 1867.....    | 6 years.  |
| John Keller.....          | Sacramento .....    | September, 1858..   | Life.     |
| H. H. McKenzie.....       | Shasta .....        | July, 1867 .....    | 10 years. |
| F. Blodgett.....          | Marin .....         | July, 1864 .....    | 10 years. |
| A. H. Merrill.....        | Sacramento .....    | July, 1864 .....    | 10 years. |
| M. McDermott .....        | San Francisco.....  | December, 1864 ..   | 10 years. |
| David Gordon .....        | Solano .....        | May, 1868 .....     | 7 years.  |
| Jesús Pizarro.....        | Placer .....        | July, 1862 .....    | 10 years. |
| Charles Denman .....      | Sacramento.....     | May, 1862 .....     | 15 years. |
| Henry Lambett.....        | El Dorado .....     | January, 1869.....  | 4 years.  |
| John Lehman .....         | Tuolumne .....      | December, 1859 ..   | 15 years. |
| Henry Wallace.....        | San Francisco.....  | October, 1863.....  | 10 years. |
| Jos. A. Oliver .....      | Merced .....        | September, 1862..   | 30 years. |
| Peter Metz .....          | Sacramento .....    | April, 1858.....    | Life.     |
| R. Roberts.....           | Nevada .....        | March, 1863.....    | 10 years. |
| John O'Grady.....         | San Francisco.....  | May, 1866 .....     | 7 years.  |
| H. F. Nichols.....        | Sierra .....        | July, 1867 .....    | 10 years. |
| Henry Madison.....        | El Dorado .....     | October, 1860.....  | 14 years. |
| W. Daniels.....           | Nevada .....        | September, 1868..   | 4 years.  |
| Jesse McMahon.....        | Sacramento .....    | November, 1863 ..   | 10 years. |
| W. Farrell.....           | San Francisco.....  | March, 1865.....    | 6 years.  |
| James Regan.....          | Shasta .....        | June, 1867 .....    | 7 years.  |
| W. T. Gassoway.....       | Butte .....         | July, 1864.....     | 10 years. |
| Daniel O'Farrell.....     | Yuba.....           | April, 1868.....    | 2½ years. |
| Vincent Ortega.....       | San Bernardino..... | July, 1862 .....    | 12 years. |
| Ah Yek .....              | Sacramento.....     | August, 1865.....   | 20 years. |
| Jasper Turner .....       | Solano .....        | September, 1868..   | 3½ years. |
| Belle Butler .....        | Nevada .....        | August, 1869.....   | 1½ years. |
| Ah Sing.....              | San Francisco ..... | September, 1864..   | 10 years. |
| Wm. Burch .....           | Los Angeles .....   | July, 1869 .....    | 2½ years. |
| Michael Harrigan.....     | San Francisco ..... | July, 1861 .....    | Life.     |
| George Sneath .....       | Nevada .....        | May, 1865 .....     | 6 years.  |
| Geo. A. H. Bartlette..... | San Francisco.....  | July, 1869 .....    | 1 year.   |
| Sam Shaw .....            | Tulare .....        | September, 1868..   | 5 years.  |

| Name.                   | County.            | When committed.    | Term.     |
|-------------------------|--------------------|--------------------|-----------|
| Frank Smith.....        | Yuba.....          | March, 1861.....   | 14 years. |
| Juan Mungana.....       | Los Angeles.....   | January, 1868..... | 10 years. |
| E. B. Foster.....       | Mariposa.....      | November, 1865..   | 15 years. |
| F. E. Waller.....       | Placer.....        | January, 1864..... | Life.     |
| David Parks.....        | Calaveras.....     | February, 1864...  | 10 years. |
| Robert Francis.....     | Plumas.....        | September, 1869..  | 15 years. |
| Francisco Pizzaro.....  | San Francisco..... | October, 1863..... | Life.     |
| Polimines (Indian)..... | Calaveras.....     | January, 1864..... | Life.     |
| Richard Long.....       | San Francisco..... | September, 1863..  | 2½ years. |
| Geo. F. Stanton.....    | San Francisco..... | .....              | .....     |
| John Woods.....         | Humboldt.....      | September, 1866..  | 10 years. |
| Terrence Smith.....     | Nevada.....        | December, 1863...  | Life.     |
| James Marshall.....     | Nevada.....        | November, 1862..   | 14 years. |
| T. G. Lester.....       | Sacramento.....    | February, 1864...  | 14 years. |

In view of the crowded condition of the cells at the prison, and the fear that the appropriation will not admit of the erection of additional ones the coming year, the Directors may have extended the above list somewhat beyond the limits which they otherwise might have done. It will be seen, however, that quite a number of those recommended have very nearly served out their terms of sentence, the Directors believing that the moral effect of a pardon and restoration to citizenship, even upon the eve of the expiration of their term of imprisonment, would do good.

All of which is respectfully submitted.

W. HOLDEN, Lieutenant-Governor.  
H. L. NICHOLS, Secretary of State.  
Ex officio State Prison Directors.

Adopted.

On motion of Mr Banvard, the rules were suspended for the consideration of Assembly Bill No. 748, reported from the Assembly.

The rules were further suspended, bill read a third time and passed.

Assembly Bill No. 747, reported from the Assembly, read first and second times, rules suspended, bill read a third time and passed.

Mr. Larkin, from the Committee on Corporations, had leave to introduce the following bill—An Act to amend an Act entitled an Act concerning street railroads, approved March twenty-ninth, eighteen hundred and seventy.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 734, heretofore reported from the Assembly, was read first and second times, rules suspended, bill read a third time and passed.

Mr. Hager verbally reported Assembly Bill No. 453, and recommended its passage.

Rules suspended, bill read a third time and passed; title amended and amendment adopted.

Mr. Mandeville offered the following resolution :

*Resolved* by the Senate, the Assembly concurring, That rule number fifteen of the joint rules of the Senate and Assembly be and the same is hereby rescinded.

Adopted.

Assembly Bill No. 290, heretofore reported from the Assembly, read first and second times, rules suspended, bill considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments made in Committee of the Whole concurred in by the Senate, and bill read a third time, in the words following, to wit:

#### PROPOSED AMENDMENTS TO THE CONSTITUTION OF THE STATE OF CALIFORNIA.

The Legislature of the State of California, at its eighteenth session, commencing on the sixth day of December, eighteen hundred and sixty-nine, propose the following amendment to section thirteen of article eleven of the Constitution:

SEC. 13. Taxation shall be equal and uniform throughout the State. All property in this State shall be taxed in proportion to its value, to be ascertained as directed by law, but Assessors and Collectors of town, county and State taxes, shall be elected by the qualified electors of the district, county or town in which the property taxed for State, county or town purposes, is situated; *provided*, that public buildings, parochial schools, free schools supported by the public authorities or private charity, and property actually and solely used for religious and eleemosynary purposes, and all cemeteries owned by religious, or charitable, or benevolent associations, shall be exempt from taxation.

The roll was called, and the bill was passed, by the following vote:

**AYES**—Messrs. Banvard, Betge, Chappell, Comte, Conly, Curtis, Farley, Fowler, Green, Hager, Irwin, Kincaid, Lawrence, Lewis, Maclay, McDougall, Minis, O'Connor, Pendegast, Roberts, Saunders, Tompkins, Turner, Wand, Wilson and Wing—26.

**NOES**—Messrs. Larkin and Murch—2.

Assembly Bill No. 373, reported from the Assembly, read first and second times, rules suspended, bill read a third time and passed.

Mr. Mandeville offered the following resolution:

*Resolved* by the Senate, the Assembly concurring herein, That the sum of one hundred and forty-one dollars and forty cents be and the same is hereby allowed and ordered paid to C. A. Uhrig, for translation of the Governor's biennial message into the German language, one-half thereof payable out of the Contingent Fund of the Senate and one-half payable out of the Contingent Fund of the Assembly, and the Controller of State is hereby authorized and directed to draw his warrants accordingly, and the Treasurer of State to pay the same.

Adopted.

Assembly Bill No. 473, reported from the Assembly, read first and second times, rules suspended, bill read a third time and passed.

## REPORTS.

Mr. Chappell, from the Committee on Corporations, made the following report :

MR. PRESIDENT: Your Committee on Corporations have had under consideration substitute for Assembly Bill No. 265—An Act amendatory of and supplementary to an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, approved May twentieth, eighteen hundred and sixty-one—and report the same back and recommend its passage.

CHAPPELL,  
LAWRENCE,  
KINCAID,  
LARKIN.

The rules were suspended, and Assembly Bill No. 265, above reported, read first and second times.

Mr. Irwin moved to strike section two from the bill.

Upon which the ayes and noes were demanded by Messrs. Irwin, O'Connor and Green, and the Senate so ordered, by the following vote :

AYES—Messrs. Banvard, Conn, Curtis, Hager, Hunter, Irwin, Larkin, Lewis, Mandeville, McDougall, Morrill, O'Connor, Perkins, Saunders and Tompkins—15.

NOES—Messrs. Betge, Chappell, Comte, Green, Hutchings, Kincaid, Lawrence, Maclay, Murch, Orr, Pacheco, Pendegast, Roberts and Wing—14.

The bill was read a third time and passed.

Mr. Betge, from the Committee on Commerce and Navigation, made the following report :

MR. PRESIDENT: Your Committee on Commerce and Navigation, to whom was referred Senate Bill No. 84—An Act amendatory of and supplementary to an Act entitled an Act to provide for the improvement and protection of the wharves, docks and water front in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three, and the Act amendatory thereof, approved March fifth, eighteen hundred and sixty-four—beg leave to report back the same and recommend its indefinite postponement.

Also, Senate Bill No. 615—An Act amendatory of an Act entitled an Act to provide for the improvement and protection of the wharves, docks and water front in the City and County of San Francisco, approved March fifth, eighteen hundred and sixty-four—report back the same and recommend its indefinite postponement.

Also, Assembly Bill No. 494—An Act to amend sections three and five of an Act to authorize the Governor of the State of California to appoint a Gauger and Weigher of Wines and Liquors, approved March thirtieth, eighteen hundred and sixty-eight—report back the same and recommend its indefinite postponement.

BETGE, Chairman.

On motion of Mr. Hunter, the rules were suspended for the consider-

ation of Assembly Bill No. 709—An Act to amend an Act entitled an Act to provide for the appointment of a Reporter of the Supreme Court and to define his duties and compensation, passed at the eighteenth session of the Legislature.

The bill was read a third time and passed.

Mr. Mandeville offered the following resolution :

*Resolved* by the Senate, the Assembly concurring, That the Enrolling Committee of the Assembly be instructed to insert in the enacting clause of Assembly Bill No. 747 the word "represented," between the words "California" and "in."

Adopted.

The rules were suspended for the consideration of Senate Bill No. 518—An Act to amend an Act entitled an Act to regulate proceedings in criminal cases.

Read a third time and passed

Assembly Bill No. 732, heretofore reported from the Assembly, read first and second times, rules suspended, bill read a third time and passed.

Mr. Roberts had leave to withdraw Senate Bill No. 169—An Act to provide for the payment of certain outstanding bonds of the State of California.

[Mr. Mandeville in the chair]

Assembly Bill No. 726, heretofore reported from the Assembly, read first and second times, rules suspended, bill read a third time and passed.

The rules were suspended for the consideration of Senate Bill No. 599—An Act to amend an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Assembly amendments concurred in by the Senate.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
April 2d, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 104—An Act concerning corporations, etc.

Also, Assembly Bill No. 319—An Act to authorize parties herein named to construct and maintain a wharf in the County of Solano.

Also, Senate Concurrent Resolution No. 64—Relative to correcting error in Senate Bill No. 568.

MOFFITT,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 2d, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 312—An Act to amend an Act to regulate the interest of money, approved March thirteenth, eighteen hundred and fifty, and the Act to amend the same, approved March thirtieth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 621—An Act concerning wharves.



Also, Senate Bill No 342—An Act supplemental to an Act concerning public ferries and toll bridges, approved April twenty-eighth, eighteen hundred and fifty-nine.

Also, Senate Bill No. 651—An Act to provide the Institution for the Deaf, Dumb and Blind with a geological and mineral cabinet.

MOFFITT,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 2d, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 352—An Act to amend an Act entitled an Act to regulate proceedings in criminal cases.

Also, Assembly Bill No. 726—An Act to confer additional powers on the Board of Supervisors of Yuba County.

Also, substitute for Senate Bill No. 433—An Act to ratify and confirm ordinances and resolutions of the Board of Supervisors of San Francisco and proceedings had thereunder.

MOFFITT,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 2d, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 744—An Act granting to the California Pacific Railroad Company the right to extend their passenger wharf in the Straits of Carquinez.

Also, Assembly Bill No. 295—An Act to provide for the collection of municipal licenses in San Francisco.

Also, Senate Bill No. 452—An Act to redistrict the County of Los Angeles.

Also, Assembly Bill No. 638—An Act to appropriate money to pay the outstanding Indian war bonds issued by the State of California.

MOFFITT,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 2d, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 598—An Act to incorporate the Town of Colusa

Also, Senate Bill No. 211—An Act supplementary to an Act entitled an Act to provide for the management and sale of the lands belonging to the State.

Also, Senate Bill No. 478—An Act to fix the amount of the official bond of the Tax Collector of Del Norte County.

And indefinitely postponed Senate Bill No. 523—An Act to authorize the Controller and Treasurer of State to transfer certain funds.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 2d, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, appointed as Committees of Conference on the part of the Assembly—

On Assembly Bill No. 657—General appropriations—Messrs. Martin of Siskiyou, Biggs and Lewelling.

On Assembly Bill No. 680—Appropriations for charitable purposes—Messrs. Lambert, Naphtaly and Koutz.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 2d, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 404—An Act to amend an Act entitled an Act to incorporate the Town of Santa Barbara.

Also, Senate Bill No. 647—An Act granting certain property to the County of Sacramento.

Also, Senate Bill No. 6—An Act concerning foreign corporations.

Also, Senate Bill No. 592—An Act relative to the County of San Luis Obispo.

Also, Senate Bill No. 563—An Act to amend an Act relative to Placer County.

FERRAL,  
Chief Clerk.

ASSEMBLY CHAMBER,  
April 2d, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 419—An Act granting certain lands in San Francisco to the Potrero and Bay View Railroad Company.

Also, Senate Bill No. 423—An Act to amend an Act for the protection of game.

Also, Senate Bill No. 620—An Act amending an Act to repeal the several Acts incorporating the City of Benicia.

MOFFITT,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 2d, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 663—An Act concerning the Board of Education of the City and County of San Francisco, and defining the duties and powers thereof.

And indefinitely postponed Senate Bill No. 125—An Act for the encouragement of agriculture, etc.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 2d, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 43—Proposed amendments to the Constitution.

Also, Assembly Bill No. 747—An Act to empower the Boards of Supervisors of the several counties of this State to aid in the construction of railroads in their counties.

Also, Senate Bill No. 467—An Act to regulate fees of Justices and Constables in Placer County.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 2d, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 212—An Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front in the City and County of San Francisco.

FERRAL,  
Chief Clerk.

ASSEMBLY CHAMBER,  
April 2d, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 738—An Act to authorize the County of Santa Cruz to aid in the construction of railroads in said county.

MOFFITT,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 2d, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 600—An Act for the relief of certain orphan asylums.

Also, Senate Bill No. 583—An Act to provide for the official valuation of life insurance policies.

MOFFITT,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 2d, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 732—An Act for the relief of free schools, etc.

Also, Senate Bill No. 390—An Act supplemental to an Act to regulate the settlement of estates of deceased persons, etc.

FERRAL,  
Chief Clerk.

ASSEMBLY CHAMBER,  
April 1st, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, refused to accept the report of the Committee of Conference, and return the report with the bill, as there is new matter introduced into the bill, which the committee had no authority to introduce.

CRAWFORD,  
Assistant Clerk.

The rules were suspended for the consideration of Senate Bill No. 558—An Act to quiet title to certain lands in the City and County of San Francisco.

The bill was read a third time and passed.

Assembly Bill No. 745, heretofore reported, read first and second times.

Mr. Fowler moved to indefinitely postpone the bill.

Upon which the ayes and noes were demanded by Messrs. Fowler, O'Connor and Larkin, and the Senate refused, by the following vote:

AYES—Messrs. Banvard, Comte, Conly, Curtis, Farley, Fowler, Gwin, Hunter, Irwin, Larkin, Lewis, O'Connor, Perkins and Wilson—14.

NOES—Messrs. Beach, Chappell, Green, Kincaid, Lawrence, Maclay, Mandeville, McDougall, Morrill, Murch, Orr, Pendegast, Roberts, Tompkins, Turner, Wand and Wing—17.

The bill read a third time.

Upon the passage of the bill, the ayes and noes were demanded by Messrs. Fowler, Conly and Minis, and the bill was passed, by the following vote:

AYES—Messrs. Betge, Chappell, Curtis, Green, Kincaid, Lawrence, Maclay, Mandeville, McDougall, Morrill, Murch, Orr, Pacheco, Pendegast, Roberts, Tompkins, Turner, Tweed, Wand and Wing—20.

NOES—Messrs. Banvard, Comte, Conly, Farley, Fowler, Gwin, Hager, Hunter, Hutchings, Larkin, Lewis, Minis, O'Connor, Perkins and Wilson—15.

On motion of Mr. Lewis, the rules were suspended for the consideration of substitute for Assembly Bill No. 658—An Act to establish in the City of San Francisco a Labor and Employment Exchange and provide for its government and support.

The bill was read a third time and passed.

Assembly Bill No. 668, reported from the Judiciary Committee, was taken up out of its order.

Considered in Committee of the Whole and amended.

#### IN SENATE.

Amendments of committee concurred in by the Senate.

Bill read a third time and passed.

Senate Bill No. 271, reported from the Assembly, with amendments.

Senate refuse to concur in amendment made by the Assembly to section five, and concur in last amendment.

## SPECIAL ORDER.

Resolutions reported from Committee on Contingent Expenses.

STATE OF CALIFORNIA,

DR.

*To Nat Boice, Sergeant-at-Arms of the Senate.*

To services and mileage, in subpoenaing the following named persons, at the following named places, per order of the Senate, to appear and testify before the special committee of the Senate appointed to investigate the affairs of the Golden City Homestead Association, viz :

|  |                 |
|--|-----------------|
| Subpoenaing F. Mason, Capt. J. McDonald, C. L. Ross, William H. Bryan, Earl Bartlet, Robert L. Spear, Samuel R. Jones, Phillip Maguire, Louis Kohler and Capt. Porter, at San Francisco; ten subpoenas and two hundred and sixty-eight miles ..... | \$87 00         |
| Subpoenaing W. B. Carr, Z. Wilson, B. F. Washington, C. S. Capp, A. J. Nichols, G. S. Evans, John Bensley, W. S. Montgomery, W. B. Hunt and N. Broughton, at Sacramento; ten subpoenas and twenty miles.....                                       | 25 00           |
| <b>Total</b> .....   | <b>\$112 00</b> |

I hereby certify the above to be a correct bill, and that the persons therein named attended as witnesses.

W. W. PENDEGAST.

Chairman Special Committee to investigate the affairs of the Golden City Homestead Association.

*Resolved*, That the Controller of State be and he is hereby directed to draw his warrant upon the Treasurer of State in favor of Nat Boice, Sergeant-at-Arms of the Senate, for the sum of one hundred and twelve dollars, payable out of the Contingent Fund of the Senate, and the Treasurer of State is hereby directed to pay the same.

Mr. PRESIDENT: Your Committee on Contingent Expenses recommend the adoption of the above resolution.

WAND, Chairman.

Adopted.

STATE OF CALIFORNIA,

DR.

*To the following named persons, for the following amounts, for newspapers furnished the Senate of California at the eighteenth session of the Legislature, by its order.*

Voucher No. 1—Tuolumne City News; weekly, two copies; six dollars.

Voucher No. 2—E. F. Bean, Nevada Gazette; weekly, three copies; nine dollars.

Voucher No. 3—Wm. S. Moss & Co, San Francisco Examiner; daily, thirty-four copies; weekly, five copies; one hundred and eight dollars and fifty cents. [The balance—forty-nine dollars—has been paid. See Voucher No. 25, old list.]

Voucher No. 4—Richard Ferris, San Francisco Chronicle; daily, seven copies; twenty-one dollars.

Voucher No. 5—Jerome A. Barney, Marin County Journal; weekly, five copies; fifteen dollars.

Voucher No. 6—M. S. Senter, Alta California; daily, thirteen hundred and forty-two copies; weekly, ninety copies. [This bill does not agree with the books of the Sergeant-at-Arms. His charge is one hundred and ninety dollars and twenty-five cents. According to the Sergeant-at-Arms' books, it should be: Six dailies, forty-eight dollars; five weeklies, fifteen dollars; total, sixty-three dollars.]

Voucher No. 7—Northern Enterprise; weekly, five copies; fifteen dollars.

Voucher No. 8—Joseph Walkup, Placer Herald; weekly, fourteen copies; forty-two dollars.

Voucher No. 9—S. Morris, California Democrat; weekly, one copy; four dollars and twenty-five cents.

Voucher No. 10—M. S. Senter, San Francisco Call; daily, three hundred and sixty-six copies. [This bill does not agree with the books of the Sergeant-at-Arms. His charge is eighteen dollars and thirty cents. According to the Sergeant-at-Arms' books, it should be: Two copies, sixteen dollars; and one weekly, three dollars; total, nineteen dollars.]

Voucher No. 11—R. J. Steele, San Joaquin Valley Argus; weekly, three copies; nine dollars.

Voucher No. 12—J. M. Foard & T. J. Foard, Golden City; weekly, one copy; two dollars.

Voucher No. 13—George I. Lytle, Evening Bulletin; daily, twenty-eight copies; weekly, ten copies; one hundred and seven dollars and fifty cents. [This is to end of session.]

Voucher No. 14—Bigler, Fisher & Co., Capital Reporter; daily, twenty-nine copies; fifty-eight dollars.

Voucher No. 15—Kies & Caystile, Mountain Democrat; weekly, thirteen copies; thirty-nine dollars.

Voucher No. 16—Alexander Montgomery, California Express; weekly, four copies; twelve dollars.

Voucher No. 17—W. S. Carter, Shasta Courier; weekly, seven copies; twenty-one dollars.

Voucher No. 18—Butte Record; weekly, two copies; six dollars.

Voucher No. 19—N. M. Orr, Stockton Independent; weekly, four copies; daily, seven copies; sixty-eight dollars.

Voucher No. 20—J. O. Skelton, Grass Valley National; daily, three copies; twenty-four dollars.

Voucher No. 21—J. H. St. Matthew, Reporter, San Francisco Examiner, Union and Call; daily, three copies; twenty-four dollars.

Voucher No. 22—Scofield & Warren, San Mateo County Gazette; weekly, one copy; three dollars.

*Resolved*, That the Controller of State be and he is hereby directed to draw his warrants upon the Contingent Fund of the Senate, in favor of each of the above named parties, for the amounts above respectively stated; and the Treasurer of State is hereby directed to pay the same.

Mr. PRESIDENT: The Committee on Contingent Expenses recommend the adoption of the above resolution.

WAND, Chairman.

Adopted.

## STATE OF CALIFORNIA,

DR.

*To Nat Boice.*

To services as Sergeant-at-Arms of the Senate of California, in arresting and bringing to the bar of the Senate the following named Senators, on the following named days, under a call of the Senate and by order of the Senate, viz :

|              |   |          |
|--------------|---|----------|
| 1870.        |   |          |
| March 9..... | Arresting Senators Betge, Conn, Curtis, Green, Gwin, Hunter, Hutchings, Irwin, Larkin, Maclay, Minis, Morrill, Orr, Pacheco, Pendegast, Saunders, Tompkins, Turner, Tweed, Wilson and Wing, (twenty-two).....   | \$44 00  |
| March 10.... | Arresting Senators Banvard, Betge, Burnett, Comte, Conly, Conn, Farley, Fowler, Gwin, Hager, Hutchings, Irwin, Kincaid, Lawrence, Lewis, Mandeville, McDougall, Morrill, O'Connor, Pacheco, Pendegast, Perkins, Saunders, Tweed, Wand and Wilson, (twenty-six)..... | 52 00    |
| March 11.... | Arresting Senators Beach, Chappell, Conly, Fowler, Gwin, Hutchings, Larkin, Morrill, Murch and Saunders, (ten).....   | 20 00    |
| March 18.... | Arresting Senators Fowler, Gwin, Kincaid, Lawrence, Maclay, Morrill, Murch, Tompkins and Tweed, (nine).....   | 18 00    |
| March 29.... | Arresting Senators Beach, Burnett, Conn, Farley and Fowler, (five).....   | 10 00    |
| March 31 ... | Arresting Senators Beach, Conly, Curtis, Fowler, Lawrence, McDougall, Murch, Orr, Pacheco, Green and Wilson, (eleven).....  | 22 00    |
|              | Total.....  | \$166 00 |

*Resolved.* That the Controller of State be and he is hereby directed to draw his warrant upon the Treasurer of State, payable out of the Contingent Fund of the Senate, in favor of Nat Boice, Sergeant-at-Arms of the Senate, for the amount of one hundred and sixty six dollars; and the Treasurer of State is hereby directed to pay the same.

Mr. PRESIDENT: Your Committee on Contingent Expenses recommend the passage of the above resolution.

WAND, Chairman.

Adopted.

*Resolved.* That Philip Oppenheim be and he is hereby allowed the sum of five dollars per diem for services rendered by him as assistant in the office of the Sergeant-at-Arms of the Senate, from the commencement of the session to the close thereof, payable out of the Contingent Fund of the Senate.

Adopted.

[President in the chair.]

## MESSAGE FROM THE ASSEMBLY

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
April 4th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 750—An Act to provide for a State Board of Equalization.

CRAWFORD,  
Assistant Clerk.

## CONSIDERATION OF ASSEMBLY MESSAGE.

Assembly Bill No. 750, above reported, read first and second times, rules suspended, bill read a third time and passed.

On motion of Mr. Green, the rules were suspended for the consideration of Senate Bill No. 566—An Act to provide for the formation of corporations for certain purposes.

Rules suspended, bill considered engrossed, read a third time and passed.

Mr. Roberts offered the following resolution:

*Resolved*, That two weeks extra pay be and the same is hereby allowed B. A. Mardis, Assistant Secretary, and J. B. Stevens, Minute Clerk of the Senate, payable out of the Contingent Fund of the Senate; and that the Controller be instructed to draw his warrants for the amount, and the Treasurer to pay the same.

Adopted.

Senate Bill No. 342, heretofore reported from the Assembly with amendments, amendments of Assembly concurred in.

Mr. Maclay had leave to introduce the following bill—An Act to amend an Act entitled an Act to provide for the government of this State.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

## RESOLUTIONS.

By Mr. Kincaid:

*Resolved*, That James Crotly, Porter of the Senate, be allowed two weeks pay, payable out of the Contingent Fund of the Senate.

Laid on the table.

By Mr. Kincaid:

*Resolved*, That the present Porters of the Senate, the Committee room Porters, the Fireman, Assistant Sergeant-at-Arms, and Pages and Post-office Clerks, be and they are hereby allowed one dollar per day extra pay during the session, payable out of the Contingent Fund of the Senate.



Mr. O'Connor raised the point of order that the resolution could not be entertained, under joint rule number twenty.

The Chair decided the point of order to be well taken.

Mr. Green moved to suspend the rule.

The Chair decided that a joint rule could not be suspended without the concurrence of the Senate and Assembly.

Mr. Green appealed from the decision of the Chair.

Upon the question, "Shall the decision of the Chair stand as the judgment of the Senate?" the ayes and noes were demanded by Messrs. O'Connor, Minis and Green, and the Senate so ordered, by the following vote:

**AYES**—Messrs. Banvard, Chappell, Comte, Conn. Curtis, Fowler, Irwin, Larkin, Lewis, Maclay, Mandoville, Minis, Murch, O'Connor, Pendegast, Perkins, Saunders, Tompkins, Turner, Tweed, Wand and Wing—22.

**NOES**—Messrs. Green, Hunter, Lawrence, McDougall and Morrill—5.

#### REPORTS.

Mr. Wand, from the Committee on Contingent Expenses, made the following report:

STATE OF CALIFORNIA,

DR.

*To Nat Boice, Sergeant-at-Arms of Senate.*

To amounts expended as follows, for the following named articles, per order of the Senate, for the use of the Senate:

|   |   |          |
|---|---|----------|
| 1 | I. S. Van Winkle & Co., for use of secretary.....           | \$250 00 |
| 2 | J. Hopley, one office table for Engrossing Clerk.....       | 7 00     |
| 3 | Wells, Fargo & Co., freight on newspapers and packages.     | 30 00    |
| 4 | Charles Knowles, carpenter work (sampling wine tables)      | 8 00     |
| 5 | Edwards & Co., stationery.....                              | 472 75   |
| 6 | John Breuner, repairing desks, chairs, locks, keys, etc ... | 26 00    |
| 7 | G. H. Swinerton, oil can and funnel.....                    | 1 00     |
| 8 | Bernard Dennery, tumblers, lamps, drayage, chimneys, etc    | 60 55    |
| 9 | Bernard Dennery, lamp, shades, pitcher, breakage, etc...    | 30 00    |
|   | Total.....  | \$985 30 |

*Resolved*, That the Controller of State be and he is hereby directed to draw his warrant upon the Treasurer of State, in favor of Nat Boice, Sergeant-at-Arms of the Senate, for nine hundred and eighty-five dollars and thirty cents, being the amount of the above bills, payable out of the Contingent Fund of the Senate, and the Treasurer of State is hereby directed to pay the same.

**MR. PRESIDENT:** Your Committee on Contingent Expenses recommend the adoption of the above resolution.

WAND, Chairman

STATE OF CALIFORNIA,

DR.

*To the following named persons, for the following named amounts, for the following named newspapers, furnished the Senate per order of the Senate, at the eighteenth session of the California Legislature.*

Voucher No. 1—Workingman's Journal; weekly, one copy; three dollars.

Voucher No. 2—California Farmer; weekly, one copy; three dollars.

Voucher No. 3—Appeal Association, Marysville Appeal; daily and weekly; twenty dollars and eighty cents.

Voucher No. 4—G. B. Densmore & Co., Golden Era; weekly, thirteen copies; forty-two dollars.

*Resolved*, That the Controller of State be and he is hereby directed to draw his warrant upon the Treasurer of State, in favor of each of the above named parties, for the above respective amounts, payable out of the Contingent Fund of the Senate, and the Treasurer of State is hereby directed to pay the same.

MR. PRESIDENT: Your Committee on Contingent Expenses recommend the adoption of the above resolution.

WAND, Chairman.

The reports of the committee were severally read and adopted.

Mr. Pendegast made the following report:

MR. PRESIDENT: Your committee, appointed to investigate charges in relation to a grant of land made to the Golden City Homestead Association by the Legislature of eighteen hundred and sixty-three, report as follows:

We have examined the evidence submitted to us on the part of said Golden City Homestead Association and of the State, and are of the opinion that the Act of the Legislature authorizing a grant to said association was obtained by representations which were untrue in fact and that the same were fraudulent, and that no interest passed to said association by reason of the patent to it.

We would therefore report a concurrent resolution herewith, authorizing and instructing the Attorney-General of the State of California to institute legal proceedings in the Courts of this State to secure to the State of California the lands thus granted, and respectfully request the passage of the same:

*Resolved* by the Senate of the State of California, the Assembly concurring, That the Attorney-General of the State of California be and he is hereby authorized and instructed to institute proceedings in the Courts of this State to secure to the State of California the tide lands heretofore granted by an Act of the Legislature to the Golden City Homestead Association, and to vacate the patent heretofore issued to said association.

PENDEGAST,  
LEWIS,  
LARKIN,  
Committee.

Adopted.

[For testimony, see Appendix.]

## RESOLUTIONS.

By Mr. Pendegast :

*Resolved*, That the Controller of State be and he is hereby directed to draw his warrant on the State Treasurer for the sum of two hundred dollars, in favor of P. J. Malone, for services as phonographic reporter to the Special Committee to inquire into the matter of the Golden City Homestead Association, payable out of the Contingent Fund of the Senate.

Adopted.

[President pro tem. in the chair.]

By Mr. Comte :

*Resolved*; That Marcus R. Mayer and A. H. Lynch, Acting Journal Clerks, be allowed one week's pay each for writing up the Journal from the commencement of the session to the time of their appointment, one week's minutes of the Senate having been unwritten at the time of their appointment, said sums payable out of the Contingent Fund of the Senate.

Upon the adoption of the resolution, the ayes and noes were demanded by Messrs. O'Connor, Fowler and Minis, and the Senate so ordered, by the following vote :

**AYES**—Messrs. Banvard, Beach, Chappell, Comte, Conly, Green, Hutchings, Kincaid, Lawrence, Lewis, Maclay, McDougall, Minis, Pacheco, Perkins, Roberts, Saunders, Turner and Wing—19.

**NOES**—Messrs. Conn, Curtis, Farley, Fowler, Hunter, Irwin, Larkin, Mandeville, O'Connor and Wand—10.

## MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER, }  
April 4th, 1870. }

**MR. PRESIDENT**: I am directed to inform your honorable body that the Assembly, on this day, adopted Senate Concurrent Resolution No. 65—Relative to granting leave of absence to Mathew Woods, Sheriff of Yuba County.

Also, passed Senate Bill No. 343—An Act to provide for recording final decrees partitioning real estate.

Also, adopted Assembly Concurrent Resolution No. 70—Relative to adjournment *sine die*.

Also, under a suspension of rules, passed Assembly Bill No. 748—An Act to fix the rate of taxation for State purposes.

Also, adopted Assembly resolution relative to returning Assembly Bill No. 295.

FERRAL,  
Chief Clerk.

ASSEMBLY CHAMBER, }  
April 4th, 1870. }

**MR. PRESIDENT**: I am directed to inform your honorable body that

the Assembly, on this day, passed Senate Bill No. 566—An Act to provide for formation of corporation for certain purposes.

Also, Senate Bill No. 376—An Act to incorporate the Town of Alameda.

Also, Senate Bill No. 671—An Act to amend an Act entitled an Act to organize and regulate townships in the County of San Mateo.

Also, amended and adopted the report of Directors of State Prison.

Also, passed Assembly Bill No. 751—An Act authorizing the Board of State Land Commissioners to sell tide lands in certain counties.

Also, adopted Assembly Concurrent Resolution No. 73—Relative to correcting error in substitute for Assembly Bills Nos. 29 and 39.

Also, passed Senate Bill No. 673—An Act to amend an Act entitled an Act to provide for the government of this State.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 4th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Senate Concurrent Resolution, suspending fifteenth joint rule.

Also, adopted Senate Concurrent Resolution No. 67—Correcting error in Assembly Bill No. 747.

Also, Senate Concurrent Resolution No. 66—Relative to payment of C. A. Uhrig.

And indefinitely postponed Senate Bill No. 488—An Act to amend an Act entitled an Act to amend section eighty-two of an Act to provide revenue for the support of the Government.

And passed Senate Bill No. 599—An Act to amend an Act to regulate proceedings in criminal cases.

Also, Senate Bill No. 672—An Act to amend an Act entitled an Act concerning street railroads.

Also, substitute for Senate Bill No. 292—An Act entitled an Act in relation to dealers in second hand merchandise.

Also, Senate Bill No. 518—An Act to amend an Act entitled an Act to regulate proceedings in criminal cases.

Also, Senate Bill No. 571—An Act to amend an Act entitled an Act concerning crimes and punishments.

And refused to pass Senate Bill No. 558—An Act to quiet title to certain lands in the City and County of San Francisco.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 4th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 650—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco.

Also, Assembly Bill No. 749—An Act to create a Commission to examine and determine the validity of certain street assessments, etc.

And receded from its amendment to Senate Bill No. 271—An Act to

amend an Act entitled an Act to provide for the sale and management of the lands belonging to the State.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 4th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Concurrent Resolution No. 71—Relative to the public grounds and property of the old State Reform School.

Also, adopted Assembly Concurrent Resolution No. 72—Authorizing the Controller of State to draw a warrant in favor of J. Johnson.

FERRAL,  
Chief Clerk.

ASSEMBLY CHAMBER,  
April 4th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 520—An Act to authorize Dan. Harbach to construct a chute and moorings at or near Stewart's Point, and collect tolls for the use thereof.

MOFFITT,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 4th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 344—An Act for the relief of Francis McGrath.

MOFFITT,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 359, above reported, read first and second times and referred to the San Francisco delegation.

Assembly Bill No. 722, above reported, read first and second times, rules suspended, read a third time and passed.

Mr. Lawrence offered the following resolution:

*Resolved*, That the Clerk of the Committee on Corporations be allowed three dollars per day as additional compensation from the date of commencement of his services, including services rendered as Clerk of the Committee on Swamp and Overflowed Lands, to be paid out of the Contingent Fund of the Senate, and the Controller is hereby authorized to draw his warrant for the same.

Adopted.

Assembly Concurrent Resolution No. 58, heretofore reported, read first and second times, rules suspended, read a third time and adopted.

Assembly Concurrent Resolution No. 73, heretofore reported, read first and second times and adopted by a unanimous vote.

Assembly Bill No. 354, heretofore reported, read first and second times, rules suspended, read a third time and passed.

Assembly Concurrent Resolution No. 69, heretofore reported, read first and second times, rules suspended, read a third time and passed.

Assembly Bill No. 746, heretofore reported, read first and second times, rules suspended, read a third time and passed.

Mr. Hager had leave to introduce the following bill—An Act to fix the time for holding the Municipal Criminal Court of the City and County of San Francisco.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

Assembly Bill No. 729, heretofore reported, read first and second times and passed on file.

Assembly Bill No. 617, heretofore reported, read first and second times and referred to the San Francisco delegation.

Assembly Concurrent Resolution No. 67, heretofore reported, read and adopted.

Assembly Concurrent Resolution No. 65, heretofore reported, read and adopted.

Substitute for Assembly Bill No. 62, heretofore reported, read first and second times, rules suspended, read a third time and passed.

Substitute for Assembly Bill No. 523, heretofore reported, read first and second times, rules suspended, read a third time and passed.

#### REPORTS.

Mr. Morrill, from the Committee on Enrolment, made the following reports :

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Concurrent Resolution No. 65—Relative to granting leave of absence to Mathew Woods, Sheriff of Yuba County.

Also, Senate Bill No. 343—An Act to provide for recording of final decrees partitioning real estate.

Also, Senate Bill No. 344—An Act for the relief of Francis McGrath.

Also, Senate Bill No. 520—An Act to authorize Daniel Harbach to construct a chute and moorings at or near Stewart's Point, and collect tolls for the use thereof.

And this day, at two o'clock and ten minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 625—An Act to authorize the Board of Supervisors of Santa Clara County to issue bonds and apply the proceeds thereof to the purchasing of school and other furniture for the State Normal School.

Also, Senate Bill No. 651—An Act to provide the Institution for the Deaf, Dumb and Blind with a geological and mineral cabinet.

Also, Senate Bill No. 319—An Act to authorize parties herein named the right to construct and maintain a wharf in the County of Solano

Also, Senate Bill No. 301—An Act to divide the State into congressional districts and fix the time to elect Representatives to Congress.

Also, Senate Bill No. 300—An Act providing for the appointment of additional Notaries Public in Sacramento County.

Also, Senate Bill No. 620—An Act amendatory of and supplemental to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia, and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine.

Also, substitute for Senate Bill No. 433—An Act to ratify and confirm ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and proceedings had thereunder.

Also, Senate Bill No. 419—An Act granting certain lands in the City and County of San Francisco to the Potrero and Bay View Railroad Company.

Also, Senate Bill No. 312—An Act to amend an Act entitled an Act to regulate the interest of money, approved March thirteenth, eighteen hundred and fifty, and the Act to amend the same, approved March thirtieth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 212—An Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front in the City and County of San Francisco.

Also, Senate Bill No. 559—An Act to empower the Counties of Yolo, Colusa and Tehama to aid in the construction of a railroad in said county.

And on Sunday, the third day of April, eighteen hundred and seventy, at twelve o'clock M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 404—An Act to amend an Act entitled an Act to incorporate the Town of Santa Barbara, approved February tenth, eighteen hundred and sixty-four.

Also, Senate Bill No. 452—An Act to redistrict the County of Los Angeles into supervisor districts, and provide for the election of Supervisors therefor.

Also, Senate Bill No. 6—An Act concerning foreign corporations.

Also, Senate Bill No. 211—An Act supplementary to an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 390—An Act supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one.

Also, Senate Bill No. 457—An Act to regulate the fees of Justices and Constables in Placer County.

Also, Senate Bill No. 621—An Act concerning wharves

Also, Senate Bill No. 647—An Act granting certain property to the County of Sacramento.

Also, Senate Bill No. 563—An Act to amend an Act entitled an Act to provide for the transfer of certain funds in the County of Placer.

Also, Senate Bill No. 478—An Act to fix the amount of the official bond of the Tax Collector of Del Norte County.

Also, Senate Bill No. 423—An Act to amend an Act entitled an Act

for the protection of game, passed May fifteenth, eighteen hundred and fifty-four.

Also, Senate Bill No. 318—An Act supplementary to an Act to provide for the apportionment of Notaries Public, and defining their duties, approved April twenty-fifth, eighteen hundred and sixty-two.

Also, Senate Bill No. 598—An Act to incorporate the Town of Colusa.

Also, Senate Bill No. 43—Proposed amendments to the Constitution of the State of California

Also, Senate Bill No. 592—An Act to authorize the issuance of bonds by the County of San Luis Obispo to erect county buildings and to purchase a site for the same.

Also, Senate Bill No. 669—An Act to provide for the payment of the salary of the County Treasurer of the County of Colusa.

Also, Senate Bill No. 583—An Act to provide for the official valuation of life insurance companies.

Also, Senate Bill No. 600—An Act for the relief of orphan asylums.

And this day, at eleven o'clock and fifteen minutes A. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 667—An Act to define the powers of Justices of the Peace in the City and County of San Francisco.

Also, Senate Concurrent Resolution No. 22—Relative to subsidies to mail route to Melbourne

Also, Senate Bill No. 100—An Act for the relief of J. H. Smith.

Also, Senate Bill No. 128—An Act to confirm certain grants and sales of town lands by the Board of Trustees of the Town of Santa Barbara, etc.

Also, Senate Bill No. 607—An Act to create a Board of Water Commissioners for the City of Los Angeles and to define their powers and duties.

Also, Senate Bill No. 660—An Act to legalize assessments and to provide for the collection of delinquent taxes in the County of San Luis Obispo.

Also, Senate Bill No. 355—An Act for the endowment of the University of California.

Also, Senate Bill No. 187—An Act for the relief of Caleb Dorsey.

Also, Senate Bill No. 657—An Act to provide for the construction and maintenance of toll roads within the State of California.

Also, Senate Bill No. 554—An Act to extend the time allowed to the Southern Pacific Railroad Company and the Western Pacific Railroad Company in which to make the terminus of their roads upon certain lands donated to them by the State for that purpose, in the City and County of San Francisco.

And this day, at one o'clock and twenty minutes P. M., presented the same to the Governor for his approval.

Also, Senate Bill No. 329—An Act to authorize the construction of a railroad from the Town of Santa Clara to the City of San José

Also, Senate Bill No. 308—An Act appropriating money to pay the outstanding Indian war bonds issued by the State of California under the Act of the Legislature, approved May third, eighteen hundred and fifty-six, and Acts supplementary thereto.

Also, Senate Bill No. 665—An Act supplementary to an Act entitled



an Act to provide for compensating parties whose property may be destroyed in consequence of mobs or riots.

Also, Senate Concurrent Resolution No. 64—Relative to correcting error in Senate Bill No. 568.

And this day, at three o'clock and thirty minutes P. M., presented the same to the Governor for his approval.

Also, substitute for Senate Bills Nos. 143 and 107—An Act to provide for the restoration and preservation of fish in the waters of this State.

Also, Senate Bill No. 85—An Act to be entitled an Act the better to secure the collection of license taxes in the City and County of San Francisco.

Also, Senate Bill No. 614—An Act to establish and define the powers and duties of the Secretary of the Board of Education of the City and County of San Francisco.

And this day, at three o'clock P. M., presented the same to the Governor for his approval.

Also, that they have performed the duties imposed by Senate Concurrent Resolution No. 64—Relative to correcting error in Senate Bill No. 568.

Also, Senate Bill No. 503—An Act to amend an Act to provide for a system of common schools.

And this day, at five o'clock P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No. 548—An Act to empower the County of Monterey to aid in the construction of the Monterey and Salinas Valley Railroad.

And this day, at three o'clock and ten minutes P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

#### CONSIDERATION OF ASSEMBLY MESSAGES RESUMED.

Assembly Concurrent Resolution No. 66, heretofore reported, adopted.

Assembly Bill No. 535, heretofore reported, read first and second times, rules suspended, bill read a third time and passed.

Assembly Bill No. 653, heretofore reported, read first and second times, rules suspended, bill read a third time and passed.

Senate Bill No. 612, heretofore reported, Senate recede from their amendment.

Assembly Bill No. 501, heretofore reported, read first and second times, rules suspended, bill read a third time and passed.

Assembly Bill No. 740, heretofore reported, read first and second times, rules suspended, bill read a third time and passed.

Assembly Bill No. 448, heretofore reported, read first and second times and passed on file.

Substitute for Senate Bill No. 562, heretofore reported, amendments concurred in by the Senate.

Assembly No. 728, heretofore reported, read first and second times, rules suspended, bill read a third time and passed.

Assembly Bill No. 601, heretofore reported, read first and second times and passed on file.

Assembly Bill No. 495, heretofore reported, read first and second times, rules suspended, bill read a third time and passed

Assembly Bill No. 545, heretofore reported, read first and second times.

Mr. Minis moved to refer the bill to the Committee on Claims.

Upon which the ayes and noes were demanded by Messrs. Minis, Larkin and Green, and the Senate refused, by the following vote :

**AYES**—Messrs. Conn, Green, Hager, Hunter, Hutchings, Irwin, Kincaid, Larkin, Lewis, Minis, Murch, O'Connor, Perkins and Wilson—14.

**NOES**—Messrs. Banvard, Beach, Conly, Fowler, Gwin, Lawrence, Maclay, Mandeville, McDougall, Morrill, Orr, Pacheco, Pendegast, Roberts, Tompkins, Tweed, Wand and Wing—18.

Upon the third reading of the bill, the ayes and noes were demanded by Messrs. Larkin, Minis and Betge, and the Senate refused, by the following vote :

**AYES**—Messrs. Banvard, Beach, Conly, Conn, Fowler, Gwin, Irwin, Lawrence, Maclay, Mandeville, McDougall, Orr, Pacheco, Pendegast, Roberts, Tompkins, Turner, Tweed, Wand and Wing—20.

**NOES**—Messrs. Betge, Chappell, Curtis, Farley, Green, Hager, Hunter, Hutchings, Kincaid, Larkin, Lewis, Minis, Murch, O'Connor, Perkins and Wilson—16.

Assembly Bill No. 749, above reported, read first and second times, rules suspended, bill read a third time and passed.

Mr. Banvard had leave to introduce the following bill—An Act to provide that certain Acts herein named shall take effect immediately.

Read first and second times, rules suspended, bill considered engrossed, read a third time and passed.

At five o'clock and forty minutes P. M., on motion of Mr. Gwin, the Senate adjourned until eight o'clock this evening.

#### EVENING SESSION.

Senate met pursuant to adjournment.

President in the chair.

Roll called.

Quorum present.

Mr. Wand had leave to introduce the following resolution :

*Resolved*, That Senators Tompkins, Mandeville and Curtis be and they are hereby appointed a select committee, to whom all resolutions, bills or other matters introduced this evening shall be referred without reading, and that no matter be read or considered unless recommend by said committee.

Adopted.

#### MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
April 4th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 752—An Act supple-

mental to an Act to empower the Boards of Supervisors of the several counties to aid in the construction of railroads in their counties.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 4th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed, with an amendment, Senate Concurrent Resolution No. 62—Relative to legislative visit to San José.

MOFFITT,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 4th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 753—An Act to confer further powers on the Boards of Trustees, etc

And adopted Assembly Concurrent Resolution No. 75—Granting leave of absence to County Clerk of El Dorado County.

Also, passed Senate Bill No. 675—An Act to provide that certain Acts herein named shall take effect immediately.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 4th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Assembly Concurrent Resolution No. 74—Relative to correcting error in substitute for Assembly Bills Nos. 29 and 39.

Also, passed, with amendments, Senate Bill No. 674—An Act to fix the terms for holding the Municipal Criminal Court for the City and County of San Francisco.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER, }  
April 4th, 1870 }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 108—An Act creating the office of Mail and Express Messenger of the Capitol, defining his duties and compensation.

Also, Senate Concurrent Resolution No. 68—Relative to the Golden City Homestead Association.

Also, Senate Bill No. 642—An Act to change the terms of the District Court of the Thirteenth Judicial District of the State of California, etc.

Also, Assembly Bill No. 428—An Act entitled an Act to provide for the better collection of State and county revenue in the County of Los Angeles.

Also, Senate Bill No. 659—An Act to provide for the collection of taxes in Tehama County.

MOFFITT,  
Assistant Clerk.

# CONSIDERATION OF ASSEMBLY MESSAGES.

Assembly Bill No. 752, above reported, read first and second times, rules suspended, bill read a third time and passed.

Mr. Lewis offered the following resolution :

*Resolved*, That the Controller of State be and he is hereby authorized and directed to draw his warrants on the State Treasurer, payable out of the Contingent Fund of the Senate, and the Treasurer of State is hereby directed to pay the same, as follows : In favor of E. W. Roberts, for seven hundred and fifty dollars ; in favor of J. W. Mandeville, for seven hundred and fifty dollars. and in favor of H. Beach, for seven hundred and fifty dollars, for balance due for per diem as Senate Committee in examining the books of various State officers.

Adopted.

Assembly Bill No. 418, heretofore reported, read first and second times, rules suspended, bill read a third time and passed.

Assembly Bill No. 104, heretofore reported, read first and second times, rules suspended, bill read a third time and passed.

Mr. Pacheco offered the following resolution :

*Resolved* by the Senate, the Assembly concurring, That W. H. Norway, Surveyor of Santa Barbara County, be allowed leave of absence from the State for the period of four months ; *provided*, he leaves a competent deputy to take charge of the office during his absence.

Adopted.

Mr. Pacheco offered the following resolution :

*Resolved* by the Senate, the Assembly concurring, That C. E. Thom, District Attorney of Los Angeles County, be allowed leave of absence from the State for a period of four months ; *provided*, he leaves a competent deputy to take charge of the office during his absence.

Adopted.

[President pro tem. in the chair.]

Assembly Bill No. 672, heretofore reported, read first and second times, rules suspended, bill read a third time and passed.

Assembly Bill No. 663, heretofore reported, read first and second times.

Mr. Hager moved to strike section two from the bill.

Mr. Mandeville moved the previous question, which was ordered.

The bill was amended by striking out section two.

Rules suspended, bill read a third time and passed.

[President in the chair.]

# MESSAGES FROM THE ASSEMBLY.

The following messages were received from the Assembly :

ASSEMBLY CHAMBER,  
April 4th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, amended and passed Senate Bill No. 654—An Act to relieve owners of encumbered real estate from double taxation.

FERRAL,  
Chief Clerk.

ASSEMBLY CHAMBER,  
April 4th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, adopted Senate Concurrent Resolution No. 70—Granting leave of absence to Surveyor of Santa Barbara County.

Also, Senate Concurrent Resolution No. 69—Relative to granting leave of absence to District Attorney of Los Angeles County.

Also, passed Senate Bill No. 256—An Act to amend an Act entitled an Act to authorize the construction of a railroad from the City of San José to the Town of Santa Clara, etc.

CRAWFORD,  
Assistant Clerk.

ASSEMBLY CHAMBER,  
April 4th, 1870. }

Mr. PRESIDENT: I am directed to inform your honorable body that the Assembly, on this day, passed Assembly Bill No. 754—An Act to authorize the Controller of State to issue a duplicate warrant.

CRAWFORD,  
Assistant Clerk.

#### CONSIDERATION OF ASSEMBLY MESSAGES.

Senate Bill No. 674, above reported, amendments of Assembly concurred in by the Senate.

Assembly Concurrent Resolution No. 74, heretofore reported, read first and second times.

There being objection made to a third reading, the resolution was laid on the table.

Assembly Concurrent Resolution No. 71, heretofore reported, was read and adopted.

#### MESSAGES FROM THE GOVERNOR.

The following messages were received from the Governor:

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 4th, 1870. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate Bill No. 568—An Act to reincorporate the City of Stockton.

Also, Senate Bill No. 557—An Act to fund the debt of the City of Los Angeles and to provide for the payment of the same.

Also, Senate Bill No. 486—An Act to pay for work done in the State Land Office.

Also, Senate Bill No. 450—An Act authorizing the Board of Supervisors of Los Angeles County to erect a Court-house, or, in their discretion, to purchase a building suitable therefor, and to construct a fire-proof vault therein, and to borrow money for expenses thereof.

Also, Senate Bill No. 614—An Act to establish and define the powers and duties of the Secretary of the Board of Education of the City and County of San Francisco

Also, Senate Bill No. 554—An Act to extend the time allowed to the Southern Pacific Railroad Company and the Western Pacific Railroad Company in which to make the terminus of their roads upon certain lands, donated to them by the State for that purpose, in the City and County of San Francisco.

Also, Senate Bill No. 660—An Act to legalize assessments and to provide for the collection of delinquent taxes in the County of San Luis Obispo.

Also, Senate Bill No. 355—An Act for the endowment of the University of California.

Also, Senate Bill No. 667—An Act to define the powers of Justices of the Peace within the City and County of San Francisco, in criminal cases.

Also, Senate Bill No. 128—An Act to legalize and confirm certain grants and sales of town lands by the Board of Trustees of the Town of Santa Barbara and by the Mayor and Common Council of the City of Santa Barbara, made since the passage of the Act of March thirty-first, eighteen hundred and sixty-six.

Also, substitute for Senate Bills Nos. 143 and 107—An Act to provide for the restoration and preservation of fish in the waters of this State.

Also, Senate Bill No. 655—An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one.

Also, Senate Bill No. 670—An Act to amend an Act entitled an Act declaring certain creeks in Marin County navigable, approved May seventeenth, eighteen hundred and sixty-one.

Also, Senate Bill No. 441—An Act to authorize the incorporation of canal companies and to provide for the construction of canals and ditches.

Also, Senate Bill No. 621—An Act concerning wharves.

Also, Senate Bill No. 308—An Act to appropriate money to pay the outstanding Indian war bonds issued by the State of California under an Act of the Legislature approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto.

Also, Senate Bill No. 312—An Act to amend an Act entitled an Act to regulate the interest of money, approved March thirteenth, eighteen hundred and fifty, and the Act to amend the same, approved March thirtieth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 651—An Act to provide the Institution for the Deaf and Dumb and the Blind with a geological and mineral cabinet.

Also, Senate Bill No. 301—An Act to fix the time for holding elections for members of Congress of the State of California.

Also, Senate Bill No. 300—An Act providing for the appointment of additional Notaries Public in Sacramento County.

Also, Senate Bill No. 546—An Act concerning the salaries of certain officers therein named.

H. H. HAIGHT,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 2d, 1870.

*To the Senate of the State of California:*

I have to inform your honorable body that I have approved Senate Bill No. 658—An Act to appropriate money for contingent expenses of the Legislature.

Also, Senate Bill No. 590—An Act to provide for the election of a Board of Supervisors in the County of San Luis Obispo and fix their terms of office.

Also, Senate Bill No. 451—An Act to authorize the Controller of State to employ an additional Clerk.

Also, substitute for Senate Bill No. 828—An Act to empower the City of Stockton to aid in the construction of the Stockton and Visalia Railroad.

Also, Senate Bill No. 505—An Act to regulate the rights of the owners of mines.

Also, Senate Bill No. 661—An Act granting leave of absence to Antonio F. Coronel, Treasurer of the State of California.

Also, Senate Bill No. 147—An Act for the relief of John Kneland.

Also, Senate Bill No. 594—An Act to perfect titles to lands granted by the United States to the State of California.

Also, Senate Bill No. 513—An Act to pay for services rendered in the office of the State Surveyor-General.

Also, Senate Bill No. 644—An Act to provide for the payment of the salaries of certain officers in the County of Shasta.

Also, Senate Bill No. 641—An Act concerning the office of Clerk of the Board of Supervisors and Equalization in the County of Placer.

Also, Senate Bill No. 668—An Act to fix the terms of the District Court in the Second Judicial District.

Also, Senate Bill No. 418—An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, A. D. eighteen hundred and sixty-one.

Also, Senate Bill No. 597—An Act to prevent double taxation.

H. H. HAIGHT,  
Governor.

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 4th, 1870.

*To the Senate of the State of California:*

I herewith return to your honorable body, without approval, substitute for Senate Bill No. 185—An Act to provide for the reclamation of swamp, salt marsh, tide and other overflowed lands.

This bill contains, among other provisions, the following: It transfers the control of reclamation from the Boards of Supervisors to officers appointed by the Surveyor-General. It gives control to the majority in acreage, without reference to value or improvements, and authorizes an assessment without limitation as to amount per acre.

From the protests and representations addressed to me from various quarters, it is evident that the holders of small parcels of swamp land

look upon the system proposed in this bill with great suspicion and hostility; and, without such protests, it seems clear that it places the holders of comparatively small tracts in the power, to a great extent, of the few holders of large bodies of these lands.

It enables the latter to form districts of any size, and through the machinery of the bill to impose such a burden upon the holders of small tracts as would compel them to sell out at a sacrifice, through inability to pay the amount of the assessment. The bill is not as well guarded as it ought to be, in the particulars indicated. Too much caution cannot be exercised in legislation affecting the title to private property. If the holder of one hundred thousand acres of land can encumber the property of five hundred persons owning small homesteads, there certainly ought to be some limit to the amount of the encumbrance.

I have no time at present to discuss the features of this bill at any length, or to more than barely refer to some of the reasons why I am not willing to give it my approval.

A number of representations have been addressed to me, urging that the present system be allowed to remain until it is tried more thoroughly than it has yet been, and setting forth that it is a safer and better system than the one proposed in this bill.

H. H. HAIGHT,  
Governor.

Upon the question, "Shall substitute for Senate Bill No. 185 become a law, notwithstanding the objection of the Governor?" the roll was called, and the Senate refused, by the following vote:

**AYES—None.**

**NOES—Messrs.** Banvard, Beach, Betge, Chappell, Comte, Conly, Conn, Curtis, Farley, Green, Gwin, Hunter, Irwin, Kincaid, Larkin, Lewis, Mandeville, McDougall, Minis, O'Connor, Pacheco, Pendegast, Perkins, Roberts, Tompkins, Tweed, Wand and Wing—28.

Journal of Friday, April first, and of Saturday, April second, read and approved.

#### MESSAGE FROM THE ASSEMBLY.

The following message was received from the Assembly:

ASSEMBLY CHAMBER,  
April 4th, 1870. }

**Mr. PRESIDENT:** I am directed to inform your honorable body that the Assembly, on this day, passed Senate Bill No. 656—An Act concerning crimes and punishments.

MOFFITT,  
Assistant Clerk.

#### PRESENTATIONS.

On behalf of the Senate, Mr. Roberts addressed the President, as follows:

I find on my desk a magnificent service of plate, the aggregated gift of Senators on this floor, intended for you, Mr. President, as a token of esteem. Upon an occasion like this, it might well be supposed that your



personal qualities might be considered of a high order. The patience of the presiding officer has been tried at times, when his patience might be lost; but on all occasions you have judged impartially, justly and without partizanship. This is not said out of compliment, but because it is true. When, with one-half of the Senate, we met in another place, we may well contrast our narrow, inconvenient apartments, with the luxury which surrounds us. This structure had been commenced, but not completed. But our duties were then the same as now. It may be a question how far we have faithfully, truthfully and honestly performed our duties to the State and to our constituents. We feel that you have fully, faithfully, honestly discharged your duty. We express to you the same feelings they feel to each other, by this service of pure, solid silver, touched with refined gold. Allow me to present this token of respect and esteem.

Here one of the Pages bore the service to the President, who replied as follows:

SENATORS: I accept your generous gift, with emotions too deep for utterance. It has been tritely and truly said "That words faint upon the lips when the heart itself would speak." Words seem but a mockery to give expression to one's pent-up feelings, when the heart is full of gratitude. During the last four months, as your presiding officer, I have had four objects steadily in view: The protection of the rights of the minority; the exact equality in rights of each Senator on this floor; the enforcement of your rules, and the good of the commonwealth. How far I have succeeded in this, it is for you to say; and I am persuaded that you have rendered your verdict in the presentation to me of this rich and beautiful present. That, when chafed and irritated, I may have erred, I most freely admit. Who does not? But that I have done so knowingly or willingly, I do most solemnly deny. If, in the discharge of what I deemed my official duty, I have wounded the feelings or offended the dignity of any Senator here, I do now most humbly crave his pardon. As we pass the threshold of this chamber, let unkindly feelings, if any exist between us, be buried in the dustpan of oblivion. It is human to err; it is godlike to forgive. I duly appreciate the complimentary words of Senator Roberts, who has been chosen by you to make this presentation. Being a representative of the minority, it is a double assurance to me that I have protected them in all of their rights. I accept from you, Senators, this beautiful present, and will keep it and esteem it dearer than anything save my integrity, my country and my God. I would not exchange it for the brightest jewelled diadem that ever decked an Empress' brow. As the scarred veteran, after he has retired from service, surrounded by his family and friends, points and says, "This wound was received at this field, and this at that," so, when I shall have retired from the exciting scenes of politics, surrounded by my family and friends, will I say to them, "This cane and this watch chain were presented, as you see by the inscription thereon, by the members of the Assembly of the sixteenth session of the Legislature, as a token of their regard. I was said to be the leader of a forlorn hope of twenty Democrats in that body, but by an open and manly avowal of my principles, secured the friendship of the whole body." This watch, which was presented to me by the Senate of the seventeenth session, for the purchase of which many Senators here contributed, I regard as a precious gift. It often reminds me of the earn-

est, anxious faces of the Senators that assembled in that old chamber. It is valuable as a time keeper; as a free will offering of warm and generous friends, it is above all price. This beautiful set of silver, with which you, Senators, have presented me to-night, is the last and best gift of all, and the more acceptable to me because I now know one who will be equally proud of this compliment as myself. In her name and for myself I thank you for this present. I will preserve these tokens of esteem and confidence with jealous care, and if God be willing, will transmit them to my posterity as a legacy without price.

[President pro tem. in the chair.]

Mr. Pendegast, on behalf of the members and officers and attachés of the Senate, presented, as a token of esteem, a handsome gold watch and chain to the President pro tem., E. J. Lewis, of Tehama, who received the gift with fitting remarks.

Mr. Maclay, on behalf of the officers and members of the Senate, presented a gold watch to the Secretary of the Senate, Joseph Roberts, Jr., as a mark of regard for his services, which was received in a short speech by him.

#### INVITATION.

Mr. Curtis presented the following:

Mr. PRESIDENT: I am requested by Messrs. Eberhart & Lachman to invite the members and officers of the Senate and members of the press to meet them in the hall below, immediately on adjournment, to sample wines manufactured in the City of Sacramento from grapes grown in the Counties of El Dorado, Placer and Yolo.

Accepted.

#### RESOLUTIONS.

By Mr. Perkins:

*Resolved*, That the thanks of this Senate are due to the President and President pro tempore for the distinguished ability and uniform courtesy and impartiality with which they have presided over its deliberations, and every member of this body will take to his home the kindest feelings and retain the most vivid recollection of its session, held for the first time in the new Capitol of our Golden State.

Adopted.

By Mr. Perkins:

*Resolved*, That the thanks of the Senate are tendered to Mr. James A. Waymire, reporter for the Sacramento *Union*, for his able and correct reports of the proceedings of the Senate.

Adopted.

#### REPORTS.

Mr. Morrill, from the Committee on Enrolment, made the following reports:

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled Senate Bill No.

650—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco.

Also, Senate Bill No. 371—An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty.

Also, Senate Bill No. 518—An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Also, Senate Bill No. 672—An Act to amend an Act entitled an Act concerning street railroads, approved March twenty-ninth, eighteen hundred and seventy.

Also, Senate Bill No. 599—An Act to amend an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Also, Senate Concurrent Resolution No. 67—Relative to correcting error in Assembly Bill No. 747.

Also, Assembly Concurrent Resolution No. 66—Relative to paying C. A. Uhrig for translating Governor's message into German.

Also, Senate Concurrent Resolution No. 68—Relative to the Golden City Homestead Association.

And this day, at seven o'clock P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

Mr. PRESIDENT: Your Committee on Enrolment respectfully report that they have examined and find correctly enrolled substitute for Senate Bill No. 292—An Act entitled an Act in relation to dealers in second hand merchandise.

Also, Senate Bill No. 673—An Act to amend an Act entitled an Act to provide for the support of the Government of this State.

Also, Senate Bill No. 671—An Act to amend an Act entitled an Act to arrange and regulate townships in San Mateo County, and to define the respective powers, duties and compensation of county and township officers in certain cases, approved March twenty-second, eighteen hundred and sixty-six.

Also, Senate Bill No. 659—An Act to provide for the collection of taxes in the County of Tehama.

Also, Senate Bill No. 271—An Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 566—An Act to provide for the formation of corporations for certain purposes.

Also, Senate Bill No. 352—An Act supplemental to an Act concerning public ferries and toll bridges, approved April twenty-eighth, eighteen hundred and fifty-five.

Also, Senate Bill No. 642—An Act to change the terms of the District Court of the Thirteenth Judicial District of the State of California, in and for the Counties of Tulare, Fresno and Mariposa.

And this day, at eight o'clock and twenty minutes P. M., presented the same to the Governor for his approval.

Also, Senate Bill No. 612—An Act concerning gas companies.

Also, Senate Bill No. 675—An Act to provide that certain Acts herein named shall take effect immediately.

And this day, at eight o'clock and fifty minutes P. M., presented the same to the Governor for his approval.

Also, Senate Bill No. 674—An Act to fix the terms for holding the Municipal Criminal Court for the City and County of San Francisco.

And this day, at nine o'clock and thirty minutes P. M., presented the same to the Governor for his approval.

Also, substitute for Senate Bill No. 562—An Act for the encouragement of agriculture.

Also, Senate Bill No. 654—An Act to relieve owners of encumbered real estate from double taxation.

And this day, at ten o'clock P. M., presented the same to the Governor for his approval.

MORRILL, Chairman.

[President in the chair.]

#### RESOLUTIONS.

The rules were suspended, and Mr. Pendegast had leave to introduce the following resolution :

*Resolved*, That J. H. Kernan, J. A. Phipps, R. R. Patten, Robert Briggs and E. Covington, Assistant Enrolling Clerks of the Senate, be and are hereby allowed, each, one week's additional pay, for extra service performed in the enrolling office, payable out of the Contingent Fund of the Senate ; and the Controller of State is hereby authorized and directed to draw his warrant in favor of each of the above named persons, for the amount due him, and the State Treasurer is directed to pay the same.

Mr. Comte offered the following amendment :

*Resolved*, That the Assistant Enrolling Clerks of the Senate, appointed prior to the twenty-eighth day of March, eighteen hundred and seventy, be and they are hereby allowed one week's extra pay, each, payable out of the Contingent Fund of the Senate.

Mr. Curtis moved to lay the whole subject matter on the table.

Upon which the ayes and noes were demanded by Messrs. Curtis, O'Connor and Larkin, and the Senate refused, by the following vote :

**AYES**—Messrs. Comte, Conly, Conn, Curtis, Hunter, Irwin, Larkin, O'Connor, Tompkins, Turner, Wand and Wing—12.

**NOES**—Messrs. Beach, Chappell, Farley, Green, Gwin, Hatchings, Kincaid, Lawrence, Lewis, Maclay, McDougall, Morrill, Pacheco, Roberts and Tweed—15.

Mr. Irwin raised the point of order, that under joint rule number twenty, the resolution cannot be entertained except by unanimous consent.

The Chair decided the point of order to be well taken.

By Mr. Tompkins :

*Resolved*, That the President and Secretary of the Senate be authorized and directed to examine and approve the Journal of this day's proceedings of the Senate.

Adopted.

By the same :

*Resolved*, That a committee of three be appointed by the Chair to wait upon his Excellency the Governor, and inform him that the Senate is about to adjourn *sine die*, and inquire whether he has any further communications to make to the Senate.

Adopted.

Pursuant to the above resolution, the President appointed Messrs. Tompkins, Lewis and Farley as such committee.

By Mr. Tweed :

*Resolved*, That the sum of one hundred dollars be appropriated out of the Contingent Fund of the Senate and allowed to W. J. Lewis, for attendance at Sacramento City before the Committee on Corporations, as a witness and expert in the matter of Senate Bill No. 62, and that the Controller be authorized to draw his warrant and the Treasurer to pay the same.

Adopted.

By Mr. Maclay :

*Resolved*, That the thanks of the Senate are due and are hereby tendered to Joseph Roberts, Jr., Secretary of the Senate, and to the other officers and attachés of the Senate, for their invariable promptness in the performance of their duties.

Adopted.

#### MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 4th, 1870.

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate Bill No. 583—An Act to provide for the official valuation of life insurance policies.

Also, Senate Bill No. 620—An Act amendatory of and supplemental to an Act entitled an Act to repeal the several Acts incorporating the City of Benicia and to provide for the government thereof, approved April eighteenth, eighteen hundred and fifty-nine.

Also, Senate Bill No. 100—An Act for the relief of John H. Smith.

Also, Senate Bill No. 657—An Act to provide for the construction and maintenance of toll roads within the State of California.

Also, Senate Bill No. 666—An Act to empower the City and County of San Francisco to aid in the construction of the Southern Pacific Railroad, and other purposes.

Also, substitute for Senate Bill No. 607—An Act to create a Board of Water Commissioners for the City of Los Angeles, and to define their powers and duties.

Also, Senate Bill No. 503—An Act to amend an Act to provide for a system of common schools.

Also, Senate Bill No. 6—An Act concerning foreign corporations.

Also, Senate Bill No. 489—An Act to authorize Frederick B. Lewis, his heirs or assigns, to institute proceedings to recover certain real estate of James M. Lewis, deceased, escheated to the State of California.

Also, Senate Bill No. 452—An Act to redistrict the County of Los Angeles into supervisor districts and provide for the election of Supervisors therefor.

Also, Senate Bill No. 211—An Act supplementary to an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 404—An Act to amend an Act entitled an Act to incorporate the Town of Santa Barbara, approved February tenth, eighteen hundred and sixty-four.

Also, Senate Bill No. 423—An Act to amend an Act entitled an Act for the protection of game, passed May fifteenth, eighteen hundred and fifty-four.

Also, Senate Bill No. 318—An Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public and defining their duties, approved April twenty-fifth, eighteen hundred and sixty-two.

Also, Senate Bill No. 307—An Act to provide for the sale and conveyance of certain submerged lands in the City and County of San Francisco to Henry B. Tichenor.

Also, Senate Bill No. 212—An Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front in the City and County of San Francisco.

Also, Senate Bill No. 668—An Act to aid in giving effect to an Act of Congress relating to the Southern Pacific Railroad Company.

Also, Senate Bill No. 343—An Act to provide for the recording of certified copies of final decrees of partition of real estate.

Also, Senate Bill No. 390—An Act supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons, approved May first, eighteen hundred and fifty-one.

Also, Senate Bill No. 598—An Act to incorporate the Town of Colusa.

Also, Senate Bill No. 344—An Act for the relief of Francis McGrath.

Also, Senate Bill No. 478—An Act to fix the amount of the official bond of the Tax Collector of Del Norte County.

Also, Senate Bill No. 669—An Act to provide for the payment of the salary of the County Treasurer of the County of Colusa.

Also, Senate Bill No. 563—An Act to amend an Act entitled an Act to provide for the transfer of certain funds in the County of Placer, approved March twenty-eighth, eighteen hundred and sixty-eight.

Also, Senate Bill No. 647—An Act granting certain property to the County of Sacramento.

Also, Senate Bill No. 467—An Act to regulate the fees of Justices and Constables in the County of Placer.

Also, Senate Bill No. 223—An Act to provide for the improvement of public parks in the City of San Francisco.

Also, Senate Bill No. 672—An Act to amend an Act entitled an Act concerning street railroads, approved March twenty-ninth, eighteen hundred and seventy.

Also, Senate Bill No. 650—An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco.

Also, Senate Bill No. 518—An Act to amend an Act entitled an Act

to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Also, Senate Bill No. 599—An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one.

Also, Senate Bill No. 642—An Act to change the terms of the District Court of the Thirteenth Judicial District of the State of California, in and for the Counties of Tulare, Fresno, Merced and Mariposa.

Also, Senate Bill No. 671—An Act to amend an Act entitled an Act to organize and regulate townships in San Mateo County, and to define the respective powers, duties and compensation of county and township officers in certain cases, approved March twenty-second, eighteen hundred and sixty-six.

Also, Senate Bill No. 842—An Act supplemental to an Act concerning public ferries and toll bridges, approved April twenty-eighth, eighteen hundred and fifty-five.

Also, Senate Bill No. 654—An Act to relieve owners of encumbered real estate from double taxation.

Also, Senate Bill No. 612—An Act concerning gas companies.

Also, Senate Bill No. 592—An Act to authorize the issuance of bonds by the County of San Luis Obispo, to erect county buildings and to provide a site for the same.

Also, Senate Bill No. 675—An Act to provide that certain Acts herein named shall take effect immediately.

Also, Senate Bill No. 566—An Act to provide for the formation of corporations for certain purposes.

Also, Senate Bill No. 674—An Act to fix the terms for holding the Municipal Criminal Court of the City and County of San Francisco, and to provide for trials by jury therein.

Also, Senate Bill No. 588—An Act to authorize the Board of Supervisors of Yolo County to retain counsel to prosecute or defend proceedings in relation to claims against Swamp Land District Number Eighteen.

Also, substitute for Senate Bill No. 292—An Act to amend an Act entitled an Act to define the duties and liabilities of pawnbrokers and pledges, approved April seventeenth, eighteen hundred and sixty-one.

Also, substitute for Senate Bill No. 562—An Act for the encouragement of agriculture.

Also, Senate Bill No. 238—An Act for the relief of Thomas L. Davenport, late County Collector of Nevada County.

H. H. HAIGHT,  
Governor.

#### REPORT.

The committee appointed to wait upon the Governor reported as follows:

MR. PRESIDENT: The committee appointed to wait upon his Excellency the Governor, report that they have performed their duty, and that he informed the committee that he had another message to transmit to the Senate, which would be sent in immediately.

TOMPKINS,  
LEWIS,  
FARLEY.

## MESSAGE FROM THE GOVERNOR.

The following message was received from the Governor :

STATE OF CALIFORNIA, EXECUTIVE DEPARTMENT, }  
Sacramento, April 4th, 1870. }

*To the Senate of the State of California :*

I have to inform your honorable body that I have approved Senate Bill No. 149—An Act concerning the Insane Asylum of the State of California.

Also, Senate Bill No. 187—An Act for the relief of Caleb Dorsey, District Attorney of Tuolumne County.

Also, Senate Bill No. 271—An Act to amend an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight.

H. H. HAIGHT,  
Governor.

A benediction was offered by the Chaplain.

At twelve o'clock, midnight, the President said : "The constitutional time for the close of the session having now arrived, I declare this Senate adjourned *sine die*."

WILLIAM HOLDEN,  
President of the Senate.

Attest : JOSEPH ROBERTS, Jr., Secretary of Senate



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| 98          | An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one. Pendegast.....   | 136             | 209            | 280                  |
| 99          | An Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia. Wand.....   | 136             |                |                      |
| 100         | An Act for the relief of John H. Smith. Orr.....  | 139             | 483            | 744                  |
| 101         | An Act to establish a State Board of Health. Burnett.....   | 139             | 387            | 528                  |
| 102         | An Act to pay the estate of Peter Seilor, deceased, to his legal heirs. Burnett.....  | 139             | 305            | 329                  |
| 103         | An Act to fix and regulate the salaries of certain officers of the City and County of San Francisco. Betge.....   | 139             |                |                      |
| 104         | An Act to amend an Act entitled an Act to amend an Act supplementary to an Act entitled an Act to provide for a street railroad within the City and County of San Francisco, and other matters relating thereto, approved April twenty-first, eighteen hundred and sixty-three, the Act hereby amended having been approved March thirtieth, eighteen hundred and sixty-eight. Betge..... | 139             | 303            | 402                  |
| 105         | An Act to amend an Act concerning corporations, passed April twenty-second, eighteen hundred and fifty. Wand.....   | 139             | 169            |                      |
| 106         | An Act to repeal a certain Act providing for registration of the citizens of this State. Maclay.....  | 139             |                |                      |
| 107         | An Act to provide for the culture of fish in the waters of this State. Hager.....   | 139             | 486            | 504                  |
| 108         | An Act to amend an Act to regulate proceedings in civil cases in the Courts of justice in this State, approved April ninth, eighteen hundred and fifty-one. Pendegast.....  | 139             |                |                      |
| 109         | An Act to settle and pay the unpaid expenses of the State Geological Survey. Tompkins.....  | 153             | 351            | 507                  |
| 110         | An Act to authorize a steam ferry to ply between South Vallejo, the City of Vallejo and Mare Island. Minis.....   | 153             |                |                      |
| 111         | An Act to establish a morgue for the City and County of San Francisco. Betge.....   | 154             |                |                      |
| 112         | An Act to reincorporate the City of Santa Clara. Maclay.....  | 154             |                |                      |
| 113         | An Act for the relief of Charles Welsh. Conn.....   | 154             | 634            | 698                  |

## SENATE BILLS.

| Number..... | T I T L E .   | Introduced..... | Passed Senate. | Passed Assembly..... |
|-------------|---|-----------------|----------------|----------------------|
| 114         | An Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island, Vallejo and Benicia. Hager  | 154             |                |                      |
| 115         | An Act supplementary to and amendatory of an Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia, approved April fourteenth, eighteen hundred and sixty-four. Hager .....   | 154             |                |                      |
| 116         | An Act to fix and regulate the salaries of the Auditor's Clerk and the Deputy Treasurer of the City and County of San Francisco. Saunders.....  | 154             | 347            | 411                  |
| 117         | An Act to confer additional powers, upon the Board of Supervisors of the City and County of San Francisco and upon the Auditor and Treasurer thereof, and to authorize certain appropriations of money by said Board. Saunders.....   | 154             | 303            | 468                  |
| 118         | An Act dedicating a portion of Hamilton Square, in the City and County of San Francisco, for the uses and purposes of the State Normal School, and authorizing the Mayor of said city and county to convey to the State the interest of the said city and county therein. Saunders.....     | 154             |                |                      |
| 119         | An Act to confirm a certain order passed by the Board of Supervisors of the City and County of San Francisco. Saunders.....   | 154             |                |                      |
| 120         | An Act to amend the Act entitled an Act to regulate elections, passed March twenty-third, eighteen hundred and fifty, and the various Acts amendatory thereof. Minis.....   | 154             |                |                      |
| 121         | An Act to restrict and regulate the sale of alcoholic liquors. Turner .....   | 154             |                |                      |
| 122         | An Act to raise a fund for the improvement of Napa City. Pendegast.....   | 154             | 159            |                      |
| 123         | An Act to reincorporate the City of Stockton, and amendatory of and supplemental to an Act entitled an Act to reincorporate the City of Stockton, approved April twenty-first, eighteen hundred and sixty-two. Orr.....   | 157             | 218            |                      |
| 124         | An Act to authorize Thomas J. Johnston and his associates to construct and maintain a railroad in the City of Vallejo and County of Solano. Minis.....  | 157             |                |                      |
| 125         | An Act for the encouragement of agriculture and the invention and construction of a locomotive steam plough. Perkins..  | 157             | 542            |                      |
| 126         | An Act to ratify and confirm a certain conveyance made by the Board of Education of the City and County of San Francisco. Saunders.....   | 158             | 337            | 404                  |
| 127         | An Act to authorize the Assessor of the City and County of San Francisco to appoint deputies. Wand.....   | 158             | 209            | 211                  |
| 128         | An Act to legalize and confirm certain grants and sales of town lands by the Board of Trustees of the Town of Santa Barbara, and by the Mayor and Common Council of the City of Santa Barbara, made since the passage of the Act of May fourteenth, eighteen hundred and sixty-one. Pacheco | 158             | 651            | 715                  |

## SENATE BILLS.

| Number ..... | TITLE.   | Introduced ..... | Passed Senate. | Passed Assembly. |
|--------------|--|------------------|----------------|------------------|
| 129          | An Act regulating the assessment and taxation of railroads, and other matters relating thereto. Tweed.....   | 161              |                |                  |
| 130          | An Act conferring further powers upon the State Board and the Board of Tide Land Commissioners named in and appointed under the Act entitled an Act to survey and dispose of certain salt marsh and tide lands belonging to the State of California, approved March thirtieth, eighteen hundred and sixty-eight. Gwin..... | 162              | 576            | 638              |
| 131          | An Act to authorize L. B. Clark, William Friend, Jefferson Wilcoxson, C. E. Wilcoxson and James Farris, and their associates, to construct and maintain a toll bridge across the Yuba River, at a point known as "Simpson's Crossing," in Yuba County. Hutchings.....  | 162              |                |                  |
| 132          | An Act to provide for engraving and printing Controller's warrants. O'Connor.....  | 163              | 206            | 570              |
| 133          | An Act to authorize Elisabeth W. P. Keeny, administratrix of the estate of George Keeny, deceased, to sell certain lands of said estate. O'Connor.....   | 163              | 301            | 384              |
| 134          | An Act to repeal an Act entitled an Act for the encouragement of agriculture and manufactures in California. Conn.....   | 163              | 337            |                  |
| 135          | An Act to authorize Morris Wolff, Lewis Jacobs and John Ruffin, and their assigns, owners of an artesian well in the Town of San Bernardino, to lay down water pipes in the public streets of San Bernardino. Conn.....  | 163              | 259            | 345              |
| 136          | An Act to provide for levying a special tax to pay for building and furnishing a public school house, in Jackson School District, in the County of Merced. Lawrence.....   | 164              |                |                  |
| 137          | An Act to provide for levying a special tax to construct and furnish a public school house in Merced Falls School District, in Merced County. Lawrence.....  | 164              | 304            | 316              |
| 138          | An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Irwin .....   | 164              |                |                  |
| 139          | An Act to appropriate money for contingent expenses of the Legislature, at the eighteenth session. Wand .....  | 164              | 164            | 173              |
| 140          | An Act granting to certain parties the right to lay down, maintain and operate street railways in the City of Sacramento and County of Sacramento. Comte.....  | 164              |                |                  |
| 141          | An Act supplemental to an Act entitled an Act to create a Board of Supervisors in the counties of this State, and define their duties and powers, approved March nineteenth, eighteen hundred and fifty-five, and the several Acts amendatory thereof and supplementary thereto. Tweed...                                  | 164              | 388            |                  |
| 142          | An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one. Tweed .....   | 164              | 302            |                  |

## SENATE BILLS.

| Number..... | T I T L E.   | Introduced ..... | Passed Senate. | Passed Assembly..... |
|-------------|--|------------------|----------------|----------------------|
| 143         | An Act to provide for the restoration and preservation of fish in the waters of this State. Green.....   | 168              | 486            |                      |
| 144         | An Act to authorize William Vanderhurst, C. S. Abbott, James Houston, George Graves and James Bardin, their associates and assigns, to construct a railroad from the City of Monterey to the Town of Salinas, with a branch road to the Pajaro River, near Watsonville. McDougall.....   | 168              | 364            | 470                  |
| 145         | An Act to authorize William Thompson and J. M. Martin, their associates, successors and assigns, to build and maintain a wharf at the City of Vallejo, in the County of Solano. Minis.....   | 168              | 351            |                      |
| 146         | An Act to divide the City of Oakland into wards and to provide for the holding of elections therein. Tompkins.....   | 168              | 407            | 437                  |
| 147         | An Act for the relief of John Kneland. Banvard.....  | 168              | 706            | 718                  |
| 148         | An Act empowering the Board of Supervisors of the City and County of San Francisco to provide fresh water for the use of said city and county and the inhabitants thereof. Saunders.....   | 168              |                |                      |
| 149         | An Act concerning the Insane Asylum of the State of California. Burnett.....   | 173              | 424            |                      |
| 150         | An Act to repeal an Act entitled an Act to amend an Act entitled an Act to amend an Act supplementary to an Act to amend an Act to prevent trespassing of animals upon private property, approved seventeenth of May, eighteen hundred and sixty-one, approved twenty-fifth April, eighteen hundred and sixty-three, approved February twenty-eighth, eighteen hundred and sixty-six. McDougall..... | 173              |                |                      |
| 151         | An Act to authorize the guardians of James T. Boyd, Jr., and Willie Alexander Boyd, to sell certain real estate. Hager   | 173              | 302            | 543                  |
| 152         | An Act amendatory of an Act, passed May the seventh, eighteen hundred and fifty-five, entitled an Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty. Hager.  | 173              | 301            |                      |
| 153         | An Act to equalize taxation among the counties of this State. Hager.....   | 174              | 388            | 668                  |
| 154         | An Act authorizing Hiram Tubbs and others to construct and operate a street railroad in the County of Alameda. Tompkins .....  | 174              | 358            | 411                  |
| 155         | An Act authorizing J. West Martin and others to construct, operate and maintain a railroad and wharf in the County of Alameda. Tompkins.....   | 173              |                |                      |
| 156         | An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, approved April twenty-ninth, eighteen hundred and fifty-one. Roberts.....  | 174              |                |                      |
| 157         | An Act to regulate the salaries and compensation of certain officers in the County of Tehama. Lewis.. ..   | 174              |                |                      |
| 158         | An Act to fix the rate of interest on the indebtedness due from  |                  |                |                      |

## SENATE BILLS.

| Number..... | TITLE.   | Introduced ..... | Passed Senate. | Passed Assembly..... |
|-------------|--|------------------|----------------|----------------------|
|             | one county to another, arising from the division of counties. Mandeville.....  | 174              |                |                      |
| 159         | An Act in relation to road indebtedness of Tuolumne County, incurred in the years eighteen hundred and sixty-six and eighteen hundred and sixty-seven. Wing.....               | 174              | 355            | 470                  |
| 160         | An Act to authorize the construction of a railroad bridge across Napa Creek, in the County of Napa. Pendegast.....   | 174              | 195            |                      |
| 161         | A bill to be entitled an Act for the relief of Jackson W. Hatch. Pendegast.....  | 174              |                |                      |
| 162         | An Act to provide for the care of certain State property. Curtis.....  | 174              |                |                      |
| 163         | An Act to legalize a certain contract entered into by the Superintendent of Public Streets and Highways of the City and County of San Francisco with Peter Connolly. Saunders. | 174              |                |                      |
| 164         | An Act to authorize the parties therein named to supply the Town of Gilroy with water and gas. Maclay.....   | 181              |                |                      |
| 165         | An Act in relation to the Omnibus Railroad Company in the City and County of San Francisco. Hager.....   | 182              | 305            | 395                  |
| 166         | An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof. Saunders.....            | 182              | 301            | 411                  |
| 167         | To extend the operation of the Act concerning trade marks and names, passed April third, eighteen hundred and sixty-three. Saunders.....                                       | 182              | 304            |                      |
| 168         | An Act directing the Controller of State to draw a certain duplicate warrant. Comte.....   | 182              | 301            | 345                  |
| 169         | An Act to provide for the payment of a certain outstanding bond of the State of California. Roberts.....   | 182              |                |                      |
| 170         | An Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front of the City and County of San Francisco. Hager.....                          | 182              |                |                      |
| 171         | An Act to confer certain powers on Weber Fire Engine Company, Number One, of the City of Stockton. Orr.....  | 182              |                |                      |
| 172         | An Act to amend an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three. Minis..  | 182              | 302            | 527                  |
| 173         | An Act amendatory of an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty. Roberts.....   | 188              |                |                      |
| 174         | An Act to authorize William Aspenall and others to lay down and maintain water pipes in the public streets of the City of Vallejo. Minis.....                                  | 188              |                |                      |
| 175         | An Act to amend an Act entitled an Act prescribing rules for the government of the State Library, approved March eighth, eighteen hundred and sixty-one. Gwin.....             | 188              |                |                      |

## SENATE BILLS.

| Number..... | TITLE.  | Introduced .... | Passed Senate. | Passed Assembly..... |
|-------------|---|-----------------|----------------|----------------------|
| 176         | An Act to provide compensation for the revision of the laws. Mandeville.....  | 188             | 500            | 546                  |
| 177         | An Act to amend an Act entitled an Act to amend an Act entitled an Act to amend an Act regulating marriages, passed April twenty-second, eighteen hundred and fifty, approved April ninth, eighteen hundred and sixty-three. Hager.....   | 188             |                |                      |
| 178         | An Act to grant the right to construct a bridge and maintain a ferry across the Russian River, in Sonoma County, to Winfield S. M. Wright, and his associates and assigns. Burnett.....   | 188             |                |                      |
| 179         | An Act to provide for laying down gas pipes in the streets of Sacramento and for furnishing gas to public and private buildings therein and for lighting the streets thereof. Comte.....  | 188             | 509            | 513                  |
| 180         | An Act for the relief of S. D. Smith. Comte.....  | 188             | 262            | 411                  |
| 181         | An Act to expunge from the Journal the judgment of the Senate, entered against James H. Hardy, on the fourteenth day of May, eighteen hundred and sixty-two. Judiciary Committee.....   | 186             | 258            | 281                  |
| 182         | An Act to amend an Act entitled an Act to extend an Act entitled an Act to prevent stallions from running at large in the County of Sacramento, approved March twenty-eighth, eighteen hundred and fifty-nine, approved March twenty-eighth, eighteen hundred and sixty. Irwin..... | 193             | 200            |                      |
| 183         | An Act in relation to the office of State Geologist. Banvard..  | 197             | 541            | 599                  |
| 184         | An Act in relation to swamp and overflowed land. Minis.....   | 197             |                |                      |
| 185         | An Act to provide for the reclamation of swamp, salt marsh, tide and other overflowed lands. Minis.....   | 197             | 387            | 599                  |
| 186         | An Act to extend an Act entitled an Act concerning District Court Reporters, approved March thirteenth, eighteen hundred and sixty-six, to the Seventeenth Judicial District of the State of California. Wilson.....  | 197             |                | 523                  |
| 187         | An Act for the relief of Caleb Dorsey, District Attorney of Tuolumne County. Mandeville.....  | 197             | 314            |                      |
| 188         | An Act to provide for the revision of the laws of the State of California. Pendegast.....   | 197             |                |                      |
| 189         | An Act for the relief of Robert M. Folger. Farley.....  | 197             | 463            |                      |
| 190         | An Act supplementary to an Act to provide for the revision and compilation of the laws of the State of California and the publication thereof. Farley.....  | 197             |                |                      |
| 191         | An Act to provide for the payment of certain warrants drawn upon the State Treasurer. Perkins.....  | 197             |                |                      |
| 192         | An Act granting certain privileges to the Central Railroad Company of San Francisco. Wand.....  | 198             | 303            |                      |



## SENATE BILLS.

| Number..... | TITLE.   | Introduced .... | Passed Senate. | Passed Assembly..... |
|-------------|--|-----------------|----------------|----------------------|
| 193         | An Act to change the grade of Mason street, from Pacific street to Vallejo street, in the City and County of San Francisco. Wand .....   | 198             |                |                      |
| 194         | An Act to amend an Act entitled an Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia, approved April fourth, eighteen hundred and sixty-four. Betge.....                           | 198             |                |                      |
| 195         | An Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island and Benicia. Hager.....   | 198             |                |                      |
| 196         | An Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two. Hager.....                      | 198             |                |                      |
| 197         | An Act to appropriate money for the salary of the Assistant Adjutant-General of the State for the twentieth and twenty-first fiscal years. Comte.....  | 198             |                |                      |
| 198         | An Act supplemental to an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty-one. Comte.....  | 198             | 322            |                      |
| 199         | An Act to provide for the payment of services heretofore rendered to the State of California and to appropriate moneys for the same. Hager.....  | 204             |                |                      |
| 200         | An Act supplementary to an Act entitled an Act prescribing certain conditions for the transaction of insurance business in the State of California, approved March twenty-sixth, eighteen hundred and sixty-eight. Hager.....          | 204             | 495            | 528                  |
| 201         | An Act making appropriations for payment of claims for furniture, carpets, etc., purchased by the Secretary of State for furnishing the new State Capitol and for furnishing Supreme Court-room, Supreme Judges' rooms, etc. Curtis... | 204             | 253            | 288                  |
| 202         | An Act to authorize the payment of the claim of Mrs. Elisa McLane, for supplies furnished the State Marine Hospital in eighteen hundred and fifty-three and eighteen hundred and fifty-four. Mandeville.....                           | 204             | 514            |                      |
| 203         | An Act to pay for the planking of streets in the City of Sacramento. Pendegast.....  | 205             |                |                      |
| 204         | An Act to protect the rights of married women in certain cases. Tweed... ..  | 205             | 387            | 476                  |
| 205         | An Act granting to certain persons the right to construct, maintain and use a horse railroad within the City and County of San Francisco. Wand.....  | 205             |                |                      |
| 206         | An Act to create the office of Inspector of Beeves, Swine and other animals intended to be slaughtered for food. Betge.  | 205             |                |                      |
| 207         | An Act for the payment of the salary of the County Judge of Tuolumne County. Mandeville.....   | 205             | 267            | 319                  |
| 208         | An Act to empower the Trustees of Sonoma School District,  |                 |                |                      |

## SENATE BILLS.

| Number..... | T I T L E .   | Introduced .... | Passed Senate. | Passed Assembly..... |
|-------------|---|-----------------|----------------|----------------------|
|             | in Sonoma County, to borrow money, and provide for its payment. Burnett.....  | 209             | 209            |                      |
| 209         | A bill to create a State Hospital and Almshouse. Gwin.....  | 209             |                |                      |
| 210         | An Act in relation to the inspection of steam boilers in the State of California. Farley.....   | 209             |                |                      |
| 211         | An Act supplementary to an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight. Perkins.....   | 209             | 621            | 767                  |
| 212         | An Act to authorize the Board of State Harbor Commissioners to lease a portion of the water front in the City and County of San Francisco. Betge.....   | 209             | 728            | 769                  |
| 213         | An Act to authorize Bridget Stannah, administratrix of the estate of William Stannah, deceased, to sell the real estate belonging to said estate in the City and County of San Francisco, at public or private sale. Mandeville.....                | 209             | 262            |                      |
| 214         | An Act to provide for the appointment of a Commissioner of Railroads and Telegraphs and prescribe his duties. Gwin.   | 212             |                |                      |
| 215         | An Act to establish and define the powers and duties of the Board of Education and of the City Superintendent of Common Schools of the City of Los Angeles. Wilson.....   | 212             |                | 267                  |
| 216         | An Act to repeal an Act entitled an Act supplementary to the Act entitled an Act concerning crimes and punishments, approved April first, eighteen hundred and sixty-four. Minis.....   | 213             | 337            | 403                  |
| 217         | An Act to regulate the elections of voluntary political associations and parties in the City and County of San Francisco and to secure a fair expression of the choice of such associations and parties in the nomination of candidates. Hager..... | 212             | 510            | 604                  |
| 218         | To amend section three hundred and thirty-six of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Hager.....                        | 213             | 501            |                      |
| 219         | An Act making an appropriation for deficiencies for the twenty-first fiscal year, ending the thirtieth day of June, eighteen hundred and seventy. Hunter.....   | 212             | 237            |                      |
| 220         | An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, approved May first, eighteen hundred and fifty-one. Saunders.....   | 213             |                |                      |
| 221         | An Act providing for the adoption of minors and the legitimizing of children born out of wedlock. Saunders.....   | 213             | 358            | 529                  |
| 222         | An Act to authorize K. Powell, H. Kraft, and their associates, to construct and maintain a wagon road from the Bell Mills to a point near the Antelope Mills and to collect toll for travel thereon. Lewis.....                                     | 219             |                |                      |
| 223         | An Act to provide for the improvement of public parks in the City of San Francisco. Hager.....  | 219             |                |                      |

## SENATE BILLS.

| Number..... | TITLE.   | Introduced..... | Passed Senate. | Passed Assembly..... |
|-------------|--|-----------------|----------------|----------------------|
| 224         | An Act to ratify and confirm certain orders, ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco. Saunders.....   | 219             |                |                      |
| 225         | An Act to authorize Robert J. White, and his associates, successors and assigns, to build and maintain a wharf at the City of Vallejo, in the County of Solano. Minis.....   | 219             |                |                      |
| 226         | An Act authorizing John C. Murphy, and his assigns, to construct and maintain a toll road in Mono County. Mandeville.....  | 219             |                |                      |
| 227         | An Act amendatory of and supplementary to an Act entitled an Act to organize and regulate the Justices' Court in the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and sixty-six. Judiciary Committee.....   | 223             |                | 271                  |
| 228         | An Act to authorize and require the County of Santa Cruz to pay over certain school moneys to certain school districts in San Mateo County. Kincaid.....   | 225             | 259            | 436                  |
| 229         | An Act to provide for the settlement of statements on appeal and on motion to set aside reports of Commissioners in certain cases. Pendegast.....  | 225             | 317            | 470                  |
| 230         | An Act to enable the California Pacific Railroad and others to come into the City of Sacramento, and other matters relating thereto. Minis.....  | 225             |                |                      |
| 231         | An Act to amend an Act entitled an Act to create the Seventeenth Judicial District, approved March nineteenth, eighteen hundred and sixty-eight. Conn.....   | 225             | 303            | 345                  |
| 232         | An Act to create a Board of Commissioners to define the senatorial and assembly districts of this State and to apportion the representation thereof. Fowler.....   | 225             |                |                      |
| 233         | An Act for the relief of Thomas T. Davenport, late County Collector of Nevada County. O'Connor.....  | 225             | 492            | 63                   |
| 234         | An Act to repeal an Act entitled an Act to authorize and require the Board of Supervisors of Butte County to levy a tax for the support of common schools in said county and to abolish taxation by school districts for like purposes. Perkins.....                                 | 229             | 502            |                      |
| 235         | An Act to amend an Act, approved March twenty-fourth, eighteen hundred and sixty-four, entitled an Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three. Wilson..... | 229             | 322            | 395                  |
| 236         | An Act to provide funds for School Department of the City and County of San Francisco. Saunders.....   | 229             | 303            |                      |
| 237         | An Act amendatory of and supplementary to an Act entitled an Act concerning the government of the City of Marysville, approved March fifth, eighteen hundred and sixty-two. Beach.....   | 229             |                |                      |
| 238         | An Act making appropriations for deficiencies in the appropriations for the twenty-first fiscal year. Larkin.....  | 229             | 267            | 470                  |

## SENATE BILLS.

| Number..... | T I T L E .  | Introduced..... | Passed Senate. | Passed Assembly..... |
|-------------|--|-----------------|----------------|----------------------|
| 239         | An Act granting certain privileges to the North Beach and Mission Railroad Company. Hager.....   | 236             | 315            | 403                  |
| 240         | An Act granting to the North Beach and Mission Railroad Company certain rights therein named. Hager.....   | 236             | 347            |                      |
| 241         | An Act supplementary to an Act entitled an Act defining the times for commencing civil actions, approved April twenty-second, eighteen hundred and fifty. Hager.....   | 236             | 241            |                      |
| 242         | An Act to transfer certain funds to the Common School Fund of the County of Butte. Perkins.....  | 236             | 314            | 404                  |
| 243         | An Act to empower the Counties of Stanislaus, Merced, Fresno, Tulare and Kern to aid in the construction of a railroad in said counties. Wilson.....   | 236             | 478            | 557                  |
| 244         | An Act to empower the City and County of San Francisco and the Counties of Monterey and San Luis Obispo to aid in the construction of the Southern Pacific Railroad. McClay.....                             | 236             | 457            | 557                  |
| 245         | An Act to authorize the Board of Supervisors of the County of Siskiyou to transfer moneys from a certain fund to certain other funds. Irwin.....   | 236             | 236            | 270                  |
| 246         | An Act to legalize certain county warrants in the County of Tuolumne. Mandeville.....  | 236             | 501            | 591                  |
| 247         | An Act to authorize the formation of corporations to provide the members thereof with homesteads or lots of land suitable for homesteads. Tompkins.....  | 236             |                |                      |
| 248         | An Act to provide for the payment of certain salaries in the County of Calaveras. Morrill.....   | 236             | 303            | 470                  |
| 249         | An Act for the relief of Gordon E. Sloss. Morrill.....   | 236             | 262            | 436                  |
| 250         | An Act to authorize Eliza Madison Hartley, administratrix of the estate of Henry Hare Hartley, deceased, to sell real property belonging to said estate. Comte.....  | 236             | 304            | 376                  |
| 251         | An Act to provide for the payment of certain unredeemed indebtedness. Mandeville.....  | 237             |                |                      |
| 252         | An Act to protect litigants. Mandeville.....   | 240             | 484            | 528                  |
| 253         | An Act to authorize John R. Jarboe, W. R. Watson and Julian Falkenstein, their associates, successors and assigns, to build and maintain a wharf at the City of Vallejo, in the County of Solano. Minis..... | 240             |                |                      |
| 254         | An Act to promote the farming interests of this State and to provide for the exportation of California produce free of port charges. Lewis.....  | 243             |                |                      |
| 255         | An Act to establish pilots and pilot regulations for the ports of San Francisco, Mare Island, Vallejo and Benicia. Wand...   | 243             | 443            | 481                  |
| 256         | An Act to amend an Act entitled an Act to authorize the construction of a railroad from the City of San José to the Town of Santa Clara, in the County of Santa Clara, passed                                |                 |                |                      |

SENATE BILLS.

| Number..... | TITLE.  | Introduced..... | Passed Senate. | Passed Assembly..... |
|-------------|---|-----------------|----------------|----------------------|
|             | March twenty-fourth, eighteen hundred and sixty-eight.<br>Maclay.....   | 243             | 729            |                      |
| 257         | An Act to encourage the production and manufacture of sugar<br>in California. Maclay.....   | 244             |                |                      |
| 258         | An Act to make, open and establish a public street in the City<br>and County of San Francisco, to be called Montgomery<br>Street South, and to take private lands therefor. Saun-<br>ders.....  | 244             | 519            |                      |
| 259         | An Act to amend an Act entitled an Act defining the time of<br>commencing civil actions, approved April twenty-second,<br>eighteen hundred and fifty. Saunders.....   | 244             | 347            |                      |
| 260         | An Act to amend an Act entitled an Act to amend an Act enti-<br>tled an Act to revise and amend an Act entitled an Act to<br>incorporate the Town of Grass Valley, approved March<br>twenty-fourth, eighteen hundred and sixty-six, approved<br>January twenty-second, eighteen hundred and seventy.<br>Roberts.....  | 248             | 248            |                      |
| 261         | An Act to appropriate money to pay the outstanding Indian<br>war bonds issued by the State of California under an Act<br>of the Legislature, approved May third, eighteen hundred<br>and fifty-two, and Acts supplementary thereto. Conn.....   | 248             |                |                      |
| 262         | An Act to provide for an official survey of the swamp and over-<br>flowed, tide and salt marsh lands in Marin County.<br>Green.....   | 248             | 262            | 543                  |
| 263         | An Act to confirm a certain ordinance and contract relating to<br>lighting the streets of the City of Oakland. Tompkins.....  | 248             | 351            | 404                  |
| 264         | An Act in relation to the building of a wharf at the harbor of<br>San Simeon, in the County of San Luis Obispo. Wilson...   | 248             |                |                      |
| 265         | An Act to appropriate money for the payment of curtains, car-<br>pets and matting for Senate and Assembly Chambers.<br>Wand.....  | 248             | 305            | 395                  |
| 266         | An Act to provide sanitary regulations for the City and County<br>of San Francisco. Wand.....   | 248             |                |                      |
| 267         | An Act to authorize the Board of Supervisors of Yuba County<br>to levy and collect tolls on the Marysville and Brown's<br>Valley Turnpike. Hutchings.....   | 248             | 347            | 384                  |
| 268         | An Act to give effect, force and virtue to a certain contract<br>made and entered into between the City of San Francisco<br>and G. Wetslar, his associates and assigns, dated the ninth<br>day of May, eighteen hundred and sixty-six, and to con-<br>firm all orders of the Board of Supervisors of said city,<br>made in reference to said contract. Betge..... | 248             |                |                      |
| 269         | An Act to prevent the kidnapping and importation of Mongo-<br>lian, Chinese and Japanese females, for criminal purposes.<br>Hager.....  | 248             | 415            | 511                  |
| 270         | An Act to prevent the importation of Chinese criminals and<br>prevent the establishment of coolie slavery. Hager.....   | 248             | 415            | 511                  |

## SENATE BILLS.

| Number..... | TITLE.  | Introduced ..... | Passed Senate. | Passed Assembly. |
|-------------|---|------------------|----------------|------------------|
| 271         | An Act to amend an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight. Minis.....                             | 248              | 514            | 719              |
| 272         | An Act regulating offices and officers in the County of El Dorado. Larkin.....  | 257              | 393            | 406              |
| 273         | An Act to create the office of Inspector of Salted and Barrelled Beef, Pork and Fish. Wand.....   | 257              |                |                  |
| 274         | An Act concerning the office of County Recorder and ex officio Auditor of the County of Sacramento. Curtis.....   | 257              | 427            |                  |
| 275         | An Act supplementary to an Act entitled an Act to authorize David N. Darlington, Isaiah Hanscom and others to build a wharf in Solano County, approved February twenty-first, eighteen hundred and fifty-five. Minis..... | 257              | 499            | 543              |
| 276         | An Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-nine. Minis.....                   | 258              |                |                  |
| 277         | An Act requiring corporations and others doing life insurance business in this State to make deposits, and regulating the same. Morrill.....  | 258              |                |                  |
| 278         | An Act to authorize the Supervisors of Kern County to levy a special tax for the County Current Expense Fund. Fowler.....   | 258              | 262            | 281              |
| 279         | An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco and upon the Auditor and Treasurer thereof. Betge.....   | 258              |                |                  |
| 280         | An Act amendatory and supplemental to an Act entitled an Act to authorize the Judges of the Supreme Court to employ a Secretary, approved April twenty-third, eighteen hundred and fifty-eight. Pendegast.....            | 258              | 351            | 481              |
| 281         | An Act authorizing the Board of Supervisors of the County of Sacramento to audit and allow certain claims. Comte.....   | 258              |                |                  |
| 282         | An Act to pay certain claims against the Deaf and Dumb and Blind Asylum. Farley.....  | 258              |                |                  |
| 283         | An Act to prevent members of the Legislature and the attachés thereof from receiving free passes over the railroads and steamboats within the State of California. Larkin.....  | 259              |                |                  |
| 284         | An Act to authorize the Board of Supervisors of the County of Amador to levy an additional tax for county expenditures in said county. Farley.....  | 261              | 261            |                  |
| 285         | An Act to amend an Act entitled an Act concerning roads and highways in the County of Santa Clara, approved March thirty-first, eighteen hundred and sixty-six. Irwin.....  | 261              | 303            | 470              |
| 286         | An Act to provide for the construction of a canal for irrigation, milling, manufacturing and supplying the Town of Red Bluff with water. Lewis.....   | 261              |                |                  |

## SENATE BILLS.

| Number..... | TITLE.  | Introduced ..... | Passed Senate. | Passed Assem-<br>bly..... |
|-------------|---|------------------|----------------|---------------------------|
| 287         | An Act to provide funds for the School Department of the City of Oakland. Tompkins.....   | 261              | 452            | 528                       |
| 288         | An Act to authorize the incorporation of water companies and canal companies. Curtis.....   | 261              |                |                           |
| 289         | An Act to better define the boundary line between Fresno and Mariposa Counties. Lawrence.....   | 264              | 488            | 664                       |
| 290         | An Act amendatory of and supplementary to an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight. Pondegast..... | 264              |                |                           |
| 291         | An Act granting the right to construct a railroad on certain streets in the City and County of San Francisco. Betge...  | 264              |                |                           |
| 292         | An Act in relation to the duties of dealers in second-hand merchandise. Saunders.....   | 264              | 756            |                           |
| 293         | An Act authorizing the parties therein named, their associates and assigns, to construct and maintain a ship canal from the City of Stockton to deep water on the San Joaquin River. Orr.....                               | 264              | 499            | 557                       |
| 294         | An Act to modify the grade of certain streets in the City and County of San Francisco. Wand.....  | 264              | 502            | 591                       |
| 295         | An Act to aid the Mercantile Library Association of the City and County of San Francisco in paying its indebtedness. Hager.....   | 264              | 337            | 376                       |
| 296         | An Act to authorize the Board of Supervisors of the City and County of San Francisco to permit the laying down railroad tracks for grading purposes. Hager.....   | 264              | 451            |                           |
| 297         | An Act in relation to railroads for grading purposes only, in the City and County of San Francisco. Hager.....  | 264              |                |                           |
| 298         | An Act concerning the City of Vallejo, and to ratify and confirm a certain ordinance of the Trustees thereof. Minis....   | 265              | 501            |                           |
| 299         | An Act providing for the appointment of phonographic reporters in certain cases. Comte.....   | 265              | 364            | 546                       |
| 300         | An Act providing for the appointment of additional Notaries Public in Sacramento County. Comte.....   | 265              | 305            | 700                       |
| 301         | An Act to divide the State into congressional districts and fix the time to elect Representatives to Congress. Lewis.....   | 271              | 387            |                           |
| 302         | An Act to authorize a railroad to be laid down in certain of the streets of the City and County of San Francisco for grading purposes. Betge.....   | 271              |                |                           |
| 303         | An Act to equalize the rates of fares of the City Railroad Company with certain other street railroad companies in the City and County of San Francisco. Betge.....   | 271              | 315            | 494                       |
| 304         | An Act to authorize Jos. B. Peairs, and his associates and assigns, to establish and maintain a steam ferry. Minis...   | 271              |                |                           |

## SENATE BILLS.

| Number..... | TITLE.  | Introduced..... | Passed Senate. | Passed Assem.<br>By..... |
|-------------|---|-----------------|----------------|--------------------------|
| 305         | An Act to regulate salaries and fees in office in Yuba County. Hutchings.....   | 272             |                |                          |
| 306         | An Act to amend the Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three. Hager.....  | 272             | 601            | 636                      |
| 307         | An Act to provide for the sale and conveyance of certain submerged lands in the City and County of San Francisco to Henry B. Tichenor. Saunders.....  | 272             | 509            |                          |
| 308         | An Act to appropriate money to pay the outstanding Indian war bonds issued by the State of California under an Act of the Legislature, approved May third, eighteen hundred and fifty-two, and Acts supplementary thereto. Lawrence.      | 272             | 715            | 747                      |
| 309         | An Act to authorize the Board of Supervisors of San Joaquin County to appropriate money for the use of the San Joaquin Valley Agricultural Society. Orr.....  | 272             | 452            | 511                      |
| 310         | An Act amendatory of and supplementary to an Act entitled an Act to provide for the construction of the State Capitol in the City of Sacramento, approved March twenty-ninth, eighteen hundred and sixty. Comte.....                      | 272             | 347            | 395                      |
| 311         | An Act to prevent the destruction of timber on the sixteenth and thirty-sixth sections reserved for school purposes and on agricultural college lands. Hager.....   | 282             | 524            |                          |
| 312         | An Act to amend an Act entitled an Act to regulate the interest of money, approved March thirteenth, eighteen hundred and fifty, and the Act to amend the same, approved March thirtieth, eighteen hundred and sixty-eight. Saunders..... | 282             | 677            |                          |
| 313         | An Act to amend an Act entitled an Act to authorize the incorporation of canal companies and the construction of canals, approved May fourteenth, eighteen hundred and sixty-two. Saunders.....   | 283             |                |                          |
| 314         | An Act authorizing the Trustees of the San Francisco Lying-in Hospital and Foundling Asylum to take the charge of, bind out and give away children coming under their care. Macley .....  | 283             | 389            | 471                      |
| 315         | An Act to amend an Act entitled an Act defining the rights of husband and wife, passed April seventeenth, eighteen hundred and fifty, amended May twelfth, eighteen hundred and fifty. Macley.....  | 283             |                |                          |
| 316         | An Act to provide for the payment of certain outstanding bonds of the State of California. Larkin.....  | 283             |                |                          |
| 317         | An Act to authorize the State Treasurer to transfer certain funds from the General Fund to the Military Fund. Wand.   | 283             |                |                          |
| 318         | An Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public and defining their duties, approved April twenty-fifth, eighteen hundred and sixty-two. Wand.....  | 282             | 515            |                          |
| 319         | An Act to authorize parties herein named the right to construct and maintain a wharf in the County of Solano. Minis.....  | 283             | 323            |                          |



## SENATE BILLS.

| Number..... | TITLE.   | Introduced..... | Passed Senate. | Passed Assembly..... |
|-------------|--|-----------------|----------------|----------------------|
| 320         | An Act for the relief of Mary Likins and others. Minis.....  | 282             | 472            | 511                  |
| 321         | An Act to amend an Act entitled an Act to amend an Act entitled an Act to amend an Act entitled an Act amendatory of and supplementary to an Act in relation to personal mortgages in certain cases, passed May eleventh, eighteen hundred and fifty-three, approved April twenty-ninth, eighteen hundred and fifty-seven, and Act amendatory thereof, approved April eighteenth, eighteen hundred and sixty-three, and Act amendatory thereof, approved March twenty-fourth, eighteen hundred and sixty-four. Tompkins..... | 282             | 510            |                      |
| 322         | An Act to provide against double taxation and for the relief of those who have paid taxes on mortgages. Betgé.....   | 283             |                |                      |
| 323         | An Act to provide for the liquidation of the floating indebtedness of the County of Santa Barbara, and to repeal sections eight and eleven of an Act entitled an Act to fix the compensation of officers, to provide for funding the county debt of Santa Barbara and prohibit the contracting of any new indebtedness against said county, approved April fourth, eighteen hundred and sixty-four. Pacheco.....   | 283             | 387            | 470                  |
| 324         | An Act to authorize the Board of Supervisors of Santa Barbara County to pay the claims of Assa Porter and Augustin Janssens. Pacheco.....  | 283             | 352            | 411                  |
| 325         | An Act to provide for the payment of certain witnesses in the case of the People of the State of California vs. Horace Smith. Banvard.....   | 283             |                |                      |
| 326         | An Act to provide for the payment of interest on the debt due from the County of Stanislaus to the County of Tuolumne. Wing.....   | 289             |                |                      |
| 327         | An Act to authorize the State Librarian to appoint an additional deputy, and to fix the compensation therefor. Minis.  | 289             | 488            |                      |
| 328         | An Act to empower the City of Stockton to aid in the construction of the Stockton and Visalia Railroad. Orr.....   | 289             | 484            | 543                  |
| 329         | An Act to authorize the construction of a railroad from the Town of Santa Clara to the City of San José, in the County of Santa Clara. Maclay.....   | 289             | 706            | 745                  |
| 330         | An Act to authorize the construction of a wharf at Vallejo, in Solano County. Pendegast.....   | 289             |                |                      |
| 331         | An Act supplementary to an Act entitled an Act to authorize the Board of Managers of the San Francisco Orphan Asylum Society, or any other orphan asylum society in this State, to bind, as apprentices, clerks and servants, orphan and half orphan children under their care and tuition, approved February twenty-second, eighteen hundred and sixty. Tompkins.....   | 289             | 388            | 546                  |
| 332         | An Act to provide for paying certain claims against the City of Oakland, and to contract a funded debt for that purpose. Tompkins.....   | 289             | 452            | 543                  |
| 333         | An Act to authorize the Board of Supervisors of Plumas County to build certain wagon roads in said county. Conly.  | 290             | 314            | 384                  |

## SENATE BILLS.

| Number..... | TITLE.  | Introduced..... | Passed Senate. | Passed Assembly..... |
|-------------|---|-----------------|----------------|----------------------|
| 334         | An Act amendatory and supplemental to an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three. Saunders.....  | 290             |                |                      |
| 335         | An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Saunders.....  | 290             |                |                      |
| 336         | An Act for the encouragement of agriculture in this State. Minis.....   | 290             |                |                      |
| 337         | An Act to amend an Act to authorize the taking depositions in foreign countries, approved May tenth, eighteen hundred and sixty-one. Saunders.....  | 290             |                |                      |
| 338         | An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the incorporation of mutual insurance companies for the insurance of life and health and against accidents, approved April second, eighteen hundred and sixty-six, approved March thirtieth, eighteen hundred and sixty-eight. Conly.....   | 290             | 515            |                      |
| 339         | An Act to amend an Act entitled an Act to regulate proceedings in civil cases, passed April twenty-ninth, eighteen hundred and fifty-one, passed March fifth, eighteen hundred and sixty-two. Hager.....  | 289             |                |                      |
| 340         | An Act to amend an Act entitled an Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the establishment, maintenance and protection of public and private roads, approved May sixteenth, eighteen hundred and fifty-one, approved April twenty-seventh, eighteen hundred and sixty-three, approved March twenty-fourth, eighteen hundred and sixty-six, and approved March fourteenth, eighteen hundred and sixty-eight. Beach..... | 294             | 294            | 470                  |
| 341         | An Act supplemental to an Act to regulate the care and maintenance of the indigent sick in and for Yuba County, approved April eighteenth, one thousand eight hundred and sixty. Beach.....   | 294             | 351            | 384                  |
| 342         | An Act supplemental to an Act concerning public ferries and toll bridges, approved April twenty-eighth, eighteen hundred and fifty-five. Beach.....   | 294             | 554            | 767                  |
| 343         | An Act to provide for recording of certified copies of final decrees of partition of real estate. Hager.....  | 294             | 758.           |                      |
| 344         | An Act for the relief of Francois McGrath. Farley.....  | 294             | 722            |                      |
| 345         | An Act to empower the City of Marysville and the Counties of Colusa, Sutter, Yuba and Nevada to aid in the construction of the Colusa, Marysville and Nevada Railroad. Hutchings.....   | 300             |                |                      |
| 346         | An Act to aid in providing a supply of fresh water from Lake Bigler or Tahoe for the use of the inhabitants of the City of San Francisco. Betge.....  | 300             |                |                      |

## SENATE BILLS.

| Number..... | TITLE.   | Introduced ..... | Passed Senate. | Passed Assembly..... |
|-------------|--|------------------|----------------|----------------------|
| 347         | An Act to amend an Act entitled an Act to authorize the City Council of the City of Oakland to improve the streets, lanes, alleys, courts and places in the said city, approved April fourth, eighteen hundred and sixty-four. Tompkins. | 300              | 509            | 636                  |
| 348         | A bill for the relief of Calaveras County. Gwin.....   | 300              |                |                      |
| 349         | An Act to appropriate money to pay the expenses of Plumas County and her citizens in the conflict between said county and the authorities of Nevada Territory, in eighteen hundred and sixty-three. Conly .....                          | 300              |                |                      |
| 350         | An Act to provide for the payment of a certain claim. Pendergast.....  | 300              |                |                      |
| 351         | An Act for the relief of Charles Goodall. Wand.....  | 300              |                |                      |
| 352         | An Act relating to Yreka School District, in Siskiyou County. Irwin.....   | 300              | 456            | 481                  |
| 353         | An Act amendatory of and supplementary to an Act entitled an Act to incorporate the Town of San Luis Obispo, approved April fourteenth, eighteen hundred and sixty-three. Pacheco.....   | 300              | 498            | 591                  |
| 354         | An Act to authorize John Corken, Charles Kent, and their associates, to construct and maintain a wharf at the City of Vallejo, in the County of Solano. Minis.....   | 300              |                |                      |
| 355         | An Act for the endowment of the State University. Hager....  | 301              | 725            |                      |
| 356         | An Act to provide military instruction for the University of California, and to authorize the Governor to call into service retired officers of University Cadets in cases of war or insurrection. Maclay .....                          | 301              | 351            | 411                  |
| 357         | An Act to confirm the action of the Board of Trustees of the City of Vallejo, in relation to certain privileges granted to the Vallejo City Water Company. Minis.....  | 306              | 358            | 395                  |
| 358         | An Act for the relief of Will S. Green. Minis.....   | 306              | 422            |                      |
| 359         | Proposed amendment the Constitution of the State of California. Tweed.....   | 312              |                |                      |
| 360         | An Act for the relief of the Sixth Regiment, National Guard of the State of California. Betge.....   | 312              |                |                      |
| 361         | An Act to improve the navigation of King's River. Fowler...  | 312              | 500            |                      |
| 362         | An Act to grant certain persons the right of way for a railroad track partly within the County of San Francisco and partly the County of San Mateo, and to run horse cars thereon. Wand.....   | 312              | 730            |                      |
| 363         | A bill for an Act to make the furnisher of intoxicating liquor responsible for damages. Morrill .....  | 312              |                |                      |
| 364         | An Act providing for the appointment of phonographic reporters in certain cases. Comto.....  | 312              |                |                      |
| 365         | An Act to provide an official residence for the Governor of this State. Curtis.....  | 312              |                |                      |

## SENATE BILLS.

| Number..... | T I T L E .  | Introduced ..... | Passed Senate. | Passed Assembly. |
|-------------|--|------------------|----------------|------------------|
| 366         | An Act granting to certain persons therein named the right to lay a railroad track along certain streets in the City of Sacramento. Curtis.....  | 312              |                |                  |
| 367         | An Act to authorize the guardian of T. D. Montgomery and W. F. Montgomery to sell and convey certain real estate. Larkin .....   | 312              |                |                  |
| 368         | An Act supplemental to and to amend an Act to provide for the improvement and protection of the wharves, docks and water front in the City and County of San Francisco, approved April twenty-fourth, eighteen hundred and sixty-three, and the Act amendatory thereof. Hager..... | 312              |                |                  |
| 369         | An Act for the better punishment of repeated felonies and larcenies. Saunders.....   | 319              |                |                  |
| 370         | An Act supplementary to an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty. Saunders.....  | 320              |                |                  |
| 371         | An Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty. Hager.....   | 320              | 757            |                  |
| 372         | An Act to amend an Act entitled an Act to create and organize the University of California, approved March twenty-third, eighteen hundred and sixty-eight. Hager.....  | 320              |                |                  |
| 373         | An Act to incorporate the City of Visalia, to create a Board of Education and provide means for the erection of school houses therein. Fowler.....   | 320              |                |                  |
| 374         | An Act to amend section forty-six of the Civil Practice Act. Tompkins.....   | 320              |                |                  |
| 375         | An Act to authorize the City Council of the City of Oakland to grant to the Oakland Railroad Company the right to lay down track and run horse cars thereon in the City of Oakland. Tompkins.....  | 320              |                |                  |
| 376         | An Act to incorporate the Town of Alameda. Tompkins.....   | 320              | 732            |                  |
| 377         | An Act to amend an Act entitled an Act concerning the military of the State of California. Lewis.....  | 320              |                |                  |
| 378         | An Act entitled an Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one. Tweed.....  | 320              |                |                  |
| 379         | An Act to regulate the remedy upon contracts and policies of life insurance and to define and limit the effect of clauses and conditions in restraint of trade therein inserted. Tweed.....  | 320              |                |                  |
| 380         | An Act to authorize Ezekiel Brown, and associates, to construct a wharf at Lower Berkeley, in the County of Alameda, State of California. Fowler.....  | 320              |                |                  |
| 381         | An Act to regulate fees and salaries in office in the County of Yuba. Hutchings.....   | 335              |                |                  |

## SENATE BILLS.

| Number..... | TITLE.   | Introduced..... | Passed Senate. | Passed Assembly. |
|-------------|--|-----------------|----------------|------------------|
| 382         | An Act concerning the stock of corporations, amendatory of an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one. Lawrence.....                                    | 335             |                |                  |
| 383         | An Act to provide for the destruction of wolves and coyotes. Perkins.....  | 335             | 677            | 718              |
| 384         | An Act making the County Superintendent of Common Schools of Alameda County a member of the State Board of Education. Tompkins.....  | 335             |                |                  |
| 385         | An Act to postpone the collection of State and county taxes in Tulare County. Fowler.....  | 335             |                |                  |
| 386         | An Act to provide for the payment of certain county bonds by the County of Calaveras. Morrill.....   | 336             |                |                  |
| 387         | An Act to authorize the payment of lost interest coupons upon certain State bonds. Hager.....  | 336             | 500            |                  |
| 388         | An Act creating the office of Commissioner of Assessments for the City and County of San Francisco. Hager.....   | 336             |                |                  |
| 389         | An Act to amend an Act entitled an Act to provide for the appointment and prescribe the duties of guardians, passed April nineteenth, eighteen hundred and fifty. Hager.....   | 336             |                |                  |
| 390         | An Act supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one. Hager.....   | 336             | 622            | 769              |
| 391         | An Act to regulate the distribution of the Police Fund of the City and County of San Francisco. Hager.....   | 336             |                |                  |
| 392         | An Act for the relief of parties who have paid the State stamp tax on passenger tickets. Saunders.....   | 336             |                |                  |
| 393         | An Act to provide for the construction and maintenance of a wagon road in Lake County. Pendegast.....  | 336             | 387            | 471              |
| 394         | An Act to fix the terms of the District Court of the First Judicial District of the State of California. Pacheco.....  | 336             | 353            | 470              |
| 395         | An Act for the promotion and encouragement of good morals and to prevent the sale of spirituous and malt liquors in melodeons, beer cellars, concert halls, public gardens and drinking saloons, by females within this State. O'Connor..        | 336             |                |                  |
| 396         | An Act to authorize the Board of Supervisors of the County of Monterey to donate the bonds of said county to the Monterey and Salinas Railroad Company and to provide for the payment of the same, and other matters relating thereto. Conn..... | 345             |                |                  |
| 397         | An Act to protect fishing in the Sacramento River. Minis.....  | 346             | 488            |                  |
| 398         | An Act to amend an Act entitled an Act to authorize J. Bidwell, J. C. Mandeville and others, to construct a wagon road in the Counties of Butte and Plumas, approved April fourteenth, one thousand eight hundred and sixty-three. Perkins.....  | 345             | 491            |                  |

## SENATE BILLS.

| Number..... | TITLE.  | Introduced..... | Passed Senate. | Passed Assembly..... |
|-------------|---|-----------------|----------------|----------------------|
| 399         | An Act to amend an Act entitled an Act to provide for paying certain equitable claims against the State of California, and to contract a funded debt for that purpose, approved April twenty-eighth, eighteen hundred and fifty-seven. Curtis...  | 346             | 465            | 527                  |
| 400         | An Act to amend an Act entitled an Act granting bounties to the volunteers of this State enlisted in the service of the United States, for issuing bonds to provide funds for the payment of the same, and to levy a tax to pay such bonds, approved April fourth, eighteen hundred and sixty-four. Curtis.....   | 346             | 465            | 527                  |
| 401         | An Act to provide for the construction of a wagon road by the County of Mariposa. Lawrence.....   | 346             |                |                      |
| 402         | An Act concerning the outside lands in the City and County of San Francisco. Comte.....   | 346             |                |                      |
| 403         | An Act amending an Act entitled an Act concerning forcible entries and unlawful detainers and to repeal all other Acts on the same subject, approved April twenty-seventh, eighteen hundred and sixty-three. Comte.....   | 346             |                |                      |
| 404         | An Act to amend an Act entitled an Act to incorporate the Town of Santa Barbara, approved February tenth, eighteen hundred and sixty-four. Pacheco.....   | 346             | 781            | 768                  |
| 405         | An Act to amend an Act entitled an Act for the protection of game, passed May fifteenth, eighteen hundred and fifty-four. Green.....  | 346             | 852            |                      |
| 406         | An Act supplemental to an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets, approved March thirtieth, eighteen hundred and sixty-three. Saunders.....  | 350             |                |                      |
| 407         | An Act to authorize John P. Stearns, and his associates, to construct and maintain a wharf at Santa Barbara. Pacheco.   | 350             |                |                      |
| 408         | An Act making an appropriation for translating into Spanish the several State documents ordered during the present session of the Legislature. McDougall.....   | 350             |                |                      |
| 409         | An Act granting the right to remove obstacles in the Mokelumne River and head waters thereof, to float, drive and transport wood of every description, saw logs, timber, lumber and other materials along and down the same; to charge and collect tolls from others floating, driving or transporting wood, logs, etc., as aforesaid, and to build, erect and maintain such structures and works as may be necessary for the enjoyment of such rights. Farley..... | 350             |                |                      |
| 410         | An Act to provide for the reclamation of the swamp and overflowed land in Lake County. Pendegast.....   | 350             |                |                      |
| 411         | An Act for the relief of Henry N. Morse, Sheriff of Alameda County. Pendegast.....  | 353             | 353            | 437                  |
| 412         | An Act to authorize the Board of Trustees of Mountain View School District, Santa Clara County, State of California, to submit to the qualified voters of said district whether they  |                 |                |                      |

## SENATE BILLS.

| Number..... | T I T L E .  | Introduced.... | Passed Senate. | Passed Assembly..... |
|-------------|--|----------------|----------------|----------------------|
|             | will be taxed for the purpose of building a school house for said district and furnishing the same. Macley .....   | 356            | 452            |                      |
| 413         | An Act entitled an Act to provide for the collection of revenue in the County of Placer. Banvard.....  | 356            |                |                      |
| 414         | An Act to appropriate money for the payment of certain unpaid interest coupons issued by authority of the Legislature of this State. Conly.....  | 356            |                |                      |
| 415         | An Act supplementary to an Act entitled an Act to establish a quarantine for the Bay and Harbor of San Francisco, and sanitary regulations for the City and County of San Francisco, approved April second, eighteen hundred and sixty-six. Saunders.....  | 356            |                |                      |
| 416         | An Act amendatory and supplemental to an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three, and the Acts amendatory thereof and supplemental thereto. Saunders.....   | 357            | 561            | 597                  |
| 417         | An Act supplemental to and amendatory of an Act entitled an Act supplemental to and to amend an Act entitled an Act providing for the time of holding the several Courts of record in this State, approved April twenty-seventh, eighteen hundred and sixty-three, and April fourth, eighteen hundred and sixty-four. Hager..... | 357            |                |                      |
| 418         | An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one. Hager.....  | 357            |                | 718                  |
| 419         | An Act granting certain lands in the City and County of San Francisco to the Potrero and Bay View Railroad Company. Saunders.....  | 362            | 730            | 768                  |
| 420         | An Act entitled an Act to provide for the collection of revenue in the County of Placer. Banvard.....  | 363            | 373            |                      |
| 421         | An Act to amend an Act entitled an Act to establish a quarantine for the Bay and Harbor of San Francisco, and sanitary regulations for the City and County of San Francisco, approved April second, eighteen hundred and sixty-six. Gwin .....   | 363            |                |                      |
| 422         | An Act concerning roads and highways in the County of Butte. Perkins ..  | 363            | 498            |                      |
| 423         | An Act to amend an Act entitled an Act for the protection of game, passed May fifteenth, eighteen hundred and fifty-four. Turner .....   | 363            | 515            | 768                  |
| 424         | An Act to prevent litigation between counties. Lewis.....  | 363            |                |                      |
| 425         | An Act to provide five competitive scholarships for the benefit of meritorious young men desirous of entering the University. Macley.....  | 363            |                |                      |

## SENATE BILLS.

| Number..... | T I T L E.   | Introduced..... | Passed Senate. | Passed Assembly..... |
|-------------|--|-----------------|----------------|----------------------|
| 426         | An Act to pay the claim of D. O. Mills & Co. Comte.....  | 363             |                |                      |
| 427         | An Act to establish a steam ferry in the County of Solano. Minis.....  | 364             | 499            | 537                  |
| 428         | An Act to authorize the construction of a railroad in the Town of Santa Clara, and confirming an order of the Board of Trustees of said town in relation thereto. MacLay.....  | 370             | 428            |                      |
| 429         | An Act to fix the salaries of certain officers in the County of Contra Costa and to define their duties. Green.....  | 370             |                |                      |
| 430         | An Act to create a Board of Public Works in the City and County of San Francisco. Hager.....   | 370             |                |                      |
| 431         | An Act for the relief of the Sacramento Protestant Orphan Association. Curtis.....   | 370             |                |                      |
| 432         | An Act to provide for the improvement of a certain part of the City and County of San Francisco. Betge.....  | 370             |                |                      |
| 433         | An Act to ratify and confirm ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco and proceedings had thereunder. Wand.....  | 370             | 781            |                      |
| 434         | An Act to regulate the practice of medicine in the State of California. Conly.....   | 370             |                |                      |
| 435         | An Act creating the office of District Collectors and Assessors in the County of Butte. Perkins.....   | 370             |                |                      |
| 436         | An Act to provide for the formation of corporations for the accumulation of funds and savings, and the direct promotion of manufacturing and mechanic arts, agriculture and mining. Roberts.....   | 380             |                |                      |
| 437         | An Act amendatory of an Act in relation to elections. Hunter.  | 380             |                |                      |
| 438         | An Act to authorize the County of Plumas to issue bonds for railroad purposes. Perkins.....  | 380             |                |                      |
| 439         | An Act to provide for the submission of the proposed amendments to the Constitution of the State passed by the Legislature at its sixteenth session and adopted by the Legislature at its seventeenth session, to the qualified electors of this State. Murch..... | 380             |                |                      |
| 440         | An Act to authorize the County of Santa Clara to subscribe to the capital stock of the Santa Cruz and San Francisco Bay Railroad Company and to provide for the payment of the same, and other matters relating thereto. Irwin.....                                | 380             |                |                      |
| 441         | An Act to authorize the incorporation of canal companies and to provide for the construction of canals and ditches. Roberts.....   | 380             | 500            | 716                  |
| 442         | An Act to create the County of Donner, to define its boundaries and to provide for its organization and maintenance. Roberts.....  | 380             |                |                      |
| 443         | An Act to authorize the State Librarian to purchase of Sumner Whitney certain volumes of the California Reports. Saunders.   | 381             |                |                      |



## SENATE BILLS.

| Number..... | TITLE.  | Introduced ..... | Passed Senate. | Passed Assembly..... |
|-------------|---|------------------|----------------|----------------------|
| 444         | An Act to increase the police force of the City and County of San Francisco. Saunders.....  | 381              |                |                      |
| 445         | An Act to amend an Act entitled an Act concerning attorneys and counsellors at law, passed February nineteenth, eighteen hundred and fifty-one. Curtis.....   | 380              |                |                      |
| 446         | An Act to reorganize the Board of Supervisors of the City and County of San Francisco. Wand.....  | 381              |                |                      |
| 447         | An Act to make, open and establish a public street in the City and County of San Francisco, to be called Montgomery avenue, and to take private lands therefor. Saunders.....   | 382              | 576            | 639                  |
| 448         | An Act to authorize the Treasurer of Tuolumne County to apportion certain money in the Current Expense Fund of said county, and to pay certain warrants. Mandeville.....  | 382              | 382            | 699                  |
| 449         | An Act appropriating money to the Roman Catholic Orphan Asylum under the charge of the Sisters of Charity at Los Angeles, and to the Hospital for Indigent Non-resident Sick at Los Angeles. Conn.....  | 385              |                |                      |
| 450         | An Act authorizing the Board of Supervisors of Los Angeles County to erect a Court-house, or, in their discretion, to purchase a building suitable therefor, and to construct a fire proof vault therein, and to borrow money for expenses thereof. Wilson .....                                      | 386              | 500            | 668                  |
| 451         | An Act to authorize the Controller of State to employ an additional Clerk. Banvard.....   | 386              |                | 451                  |
| 452         | An Act to redistrict the County of Los Angeles into supervisor districts, and provide for the election of Supervisors therefor. Wilson.....   | 386              | 500            | 767                  |
| 453         | An Act to empower the County of San Joaquin to aid in the construction of the Stockton and Visalia Railroad. Orr...   | 386              | 484            | 543                  |
| 454         | An Act amendatory of and supplementary to an Act entitled an Act concerning roads and highways in the County of San Mateo. Kincaid.....   | 386              |                | 591                  |
| 455         | An Act to establish and maintain public pounds for the better securing of estrays and other stock in the several townships of the County of San Mateo. Kincaid.....   | 386              | 595            | 638                  |
| 456         | An Act amendatory of and supplementary to an Act entitled an Act to incorporate the Town of Redwood City, approved March twenty-sixth, eighteen hundred and sixty-eight. Kincaid .....  | 386              |                | 591                  |
| 457         | An Act granting certain parties therein named the right to construct a telegraph line from California to Japan. Kincaid.  | 386              |                |                      |
| 458         | An Act entitled an Act to amend an Act entitled an Act to amend an Act entitled an Act concerning roads and highways in the Counties of Mariposa and Tulare, approved January seventeenth, eighteen hundred and sixty-six, approved March thirteenth, eighteen hundred and sixty-eight. Kincaid ..... | 386              | 386            | 398                  |

## SENATE BILLS.

| Number..... | T I T L E .  | Introduced ..... | Passed Senate. | Passed Assembly..... |
|-------------|--|------------------|----------------|----------------------|
| 459         | An Act to define the time when certain reports shall be made. Murch .....  | 386              | 502            | 537                  |
| 460         | An Act relative to the publication of certain reports. Murch...  | 386              | 502            | 537                  |
| 461         | An Act authorizing the transfer of the Swamp Land Fund of Napa County to the General County Fund of that county. Pendegast.....  | 386              |                |                      |
| 462         | An Act to amend an Act relative to the incorporation of railroad companies and the management thereof, approved May thirtieth, eighteen hundred and sixty-one. Hager....   | 386              |                |                      |
| 463         | An Act to regulate appeals from Justices' Courts to the Courts of the City of San Francisco. Hager.....  | 386              |                | 733                  |
| 464         | An Act amendatory of and supplementary to an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three. Curtis....  | 386              |                |                      |
| 465         | An Act to provide for the care of certain State property. Minis.   | 386              |                |                      |
| 466         | An Act to provide for the establishment and maintenance of a State Immigration Bureau. Mandeville.....   | 396              |                |                      |
| 467         | An Act to regulate the fees of Justices and Constables in Placer County. Banvard.....  | 396              | 729            | 769                  |
| 468         | An Act for the relief of Charles Tupper. Mandeville.....   | 396              |                |                      |
| 469         | An Act authorizing the publication of certain legal notices in a "State Paper," printed at the seat of Government of the State of California. Minis.....   | 396              | 548            | 636                  |
| 470         | An Act to authorize the payment of certain claims against the State. Wand.....   | 396              |                |                      |
| 471         | An Act to amend an Act entitled an Act to authorize the establishment of county infirmaries for the relief of the indigent, and to amend an Act entitled an Act to provide for the indigent sick in the counties of this State, approved March thirty-first, one thousand eight hundred and fifty-five. Irwin..... | 396              | 531            | 557                  |
| 472         | An Act supplementary to the Act of February twenty-first, eighteen hundred and sixty-eight, entitled an Act to limit the hours of labor. Pendegast.....  | 396              |                |                      |
| 473         | An Act relating to the Terminal Railway Company. Pendegast.....  | 396              |                |                      |
| 474         | An Act to authorize the guardian of Frank G. Bartholomew and Ralph H. Bartholomew, infant, heirs of Jacob Bartholomew, deceased, to sell real estate of said minors. Judiciary Committee.....  | 500              | 500            | 591                  |
| 475         | An Act to authorize and empower Charles T. Smith and Franklin P. Smith, both minors, to sell and convey certain real estate in Alameda County. Mandeville.....   | 412              |                |                      |
| 476         | An Act to prevent the destruction of fish and game in, upon and around the waters of Lake Merritt or Peralta, in the County of Alameda. Tompkins.....  | 412              | 421            | 439                  |

## SENATE BILLS.

| Number..... | TITLE.   | Introduced..... | Passed Senate. | Passed Assembly..... |
|-------------|--|-----------------|----------------|----------------------|
| 477         | An Act to provide for redeeming and paying the warrants outstanding against Tuolumne County, and for paying the current expenses of said county in cash, and defining and limiting the powers and duties of certain officers in relation thereto. Wing.....  | 413             | 413            | 428                  |
| 478         | An Act to fix the amount of the official bond of the Tax Collector of Del Norte County. Murch.....   | 412             | 730            | 767                  |
| 479         | An Act relating to actions of partition. Burnett.....  | 412             |                |                      |
| 480         | An Act to provide for compensating parties whose property may be destroyed in consequence of mobs or riots. Larkin.....  | 412             |                |                      |
| 481         | Proposed amendments to the Constitution of the State of California. Larkin.....  | 412             |                |                      |
| 482         | An Act concerning road taxes in the County of Sacramento. Curtis.....  | 412             | 509            |                      |
| 483         | An Act to authorize the Superintendent of Public Streets, Highways and Squares of San Francisco, to issue an assessment to Michael Corniff, for street work done by him. Hager...  | 412             | 733            |                      |
| 484         | An Act to encourage the manufacture of silk in the State of California. Maclay.....  | 412             |                |                      |
| 485         | An Act concerning roads and highways in Sierra Township, County of Sierra. Turner.....   | 412             | 514            | 591                  |
| 486         | An Act to pay for work done in the State Land Office. Comte.   | 412             | 663            | 699                  |
| 487         | An Act to repeal an Act entitled an Act amendatory of and supplementary to an Act to prevent certain animals from running at large in Napa City, approved April seventeenth, eighteen hundred and sixty-three. Pendegast.....  | 413             | 413            |                      |
| 488         | An Act to amend an Act entitled an Act to amend section eighty-two of an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one, approved April twenty-seventh, eighteen hundred and sixty-three. Banvard..... | 412             | 757            |                      |
| 489         | An Act to authorize Frederick B. Lewis, his heirs or assigns, to institute proceedings to recover certain real estate of James M. Lewis, deceased, escheated to the State of California. Lawrence.....   | 415             | 662            | 489                  |
| 490         | An Act to provide for the construction of a wagon and turnpike road from Watson's ferry to Yosemite Valley. Fowler.  | 437             |                |                      |
| 491         | An Act to authorize Samuel M. Sproul, George F. Jones, Chas. L. Stillson and Jos. A. Clark, to construct and maintain water works in the Town of Chico. Perkins.....   | 438             | 491            | 591                  |
| 492         | An Act to authorize the sale and conveyance to H. A. Cobb, John H. Turner, J. M. McNulty, Jos. Austin and Thos. N. Caseneau of certain swamp, marsh, tide and submerged lands belonging to the State of California. Hager.....   | 438             |                |                      |
| 493         | An Act to provide for executing writs of restitution in actions for the recovery of real property. Hager.....  | 438             |                |                      |

## SENATE BILLS.

| Number..... | TITLE.   | Introduced..... | Passed Senate. | Passed Assembly..... |
|-------------|--|-----------------|----------------|----------------------|
| 494         | An Act to establish and regulate the Hospital Department of the City and County of San Francisco. Hager.....   | 438             |                |                      |
| 495         | An Act to provide for the erection of a jail in the County of San Diego. Conn.....   | 438             | 532            |                      |
| 496         | An Act to provide for the payment of certain Controller's warrants drawn on the State Treasurer. Saunders .....  | 438             |                |                      |
| 497         | An Act entitled an Act to provide for the payment of fees to witnesses in criminal cases in the County of Nevada. O'Connor.....  | 438             | 729            |                      |
| 498         | An Act to amend an Act entitled an Act to authorize Eben Hilton, Isaac Hobbs, Martin I. Wright, and others, to build a wharf in Solano County, approved April second, eighteen hundred and sixty-six. Minis..... | 438             |                |                      |
| 499         | An Act for the relief of Mrs. M. Benningen. Comte.....   | 438             |                |                      |
| 500         | An Act relative to the care and management of the State Burial Ground, and making an annual appropriation therefor. Curtis.....  | 438             | 601            | 685                  |
| 501         | An Act to dispose of certain salt marsh and tide lands in the Counties of Marin and San Francisco. Pendegast.....  | 438             |                |                      |
| 502         | An Act for the relief and support of the Mechanics' Labor Exchange of California. Wand.....  | 438             |                |                      |
| 503         | An Act to amend an Act to provide for a system of common schools. Maclay .....   | 444             | 673            | 719                  |
| 504         | An Act concerning drift wood and sea weed. Maclay.....   | 446             |                |                      |
| 505         | An Act to regulate the rights of the owners of mines. Roberts.   | 453             | 662            |                      |
| 506         | An Act to authorize the sale of certain salt marsh and tide lands in the County of Marin. Roberts.....   | 453             |                |                      |
| 507         | An Act to create the County of Summit on the fulfilment of the condition therein specified, to define its boundaries and provide for its organization. Irwin.....  | 453             |                |                      |
| 508         | An Act to authorize William B. Swearengen, his associates and assigns, to construct and keep a turnpike or wagon road in the Counties of Siskiyou and Lassen, in this State. Irwin..                             | 453             |                |                      |
| 509         | An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, approved May seventeenth, eighteen hundred and sixty-one. Gwin.....                                   | 453             |                |                      |
| 510         | An Act to empower the County of Marin to aid in the construction of a railroad in said county. Green .....   | 453             |                |                      |
| 511         | An Act for the relief of Martha Buckelew, executrix of the last will and testament of Benj. R. Buckelew, deceased. Green.  | 454             |                |                      |
| 512         | An Act to provide for the construction of agricultural warehouses at Goat Island, in the Bay of San Francisco. Maclay .....  | 454             |                |                      |

## SENATE BILLS.

| Number..... | TITLE.   | Introduced ..... | Passed Senate. | Passed Assembly..... |
|-------------|--|------------------|----------------|----------------------|
| 513         | An Act to pay for services rendered in the office of the State Surveyor-General. Manderville .....   | 454              | 490            | 718                  |
| 514         | An Act for the relief of J. Scott Ashman, formerly Sheriff of Fresno County. Lawrence.....   | 454              | 498            | 668                  |
| 515         | An Act to grant the right to construct a ditch for mining purposes, leading from the south fork of the north fork of the American River, to Forest Hill, in Placer County. Hanvard .....         | 453              |                |                      |
| 516         | An Act to authorize the Board of Supervisors of San Joaquin County to issue a certain bond. Orr.....   | 454              | 463            | 511                  |
| 517         | An Act to provide for a railroad within the City and County of San Francisco. Hager.....   | 454              |                |                      |
| 518         | An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one. Hager.....   | 454              |                | 778                  |
| 519         | An Act to provide for the relief of Mase Edwards. Hunter.....  | 454              |                |                      |
| 520         | An Act to authorize Daniel Harbach to construct a chute and mooring at or near Stewart's Point and collect tolls for the use thereof. Burnett.....   | 454              | 730            | 779                  |
| 521         | An Act authorizing the Board of Trustees of the City of Petaluma to lease a certain plaza therein. Burnett.....  | 453              |                |                      |
| 522         | An Act making an appropriation for deficiency in the appropriation made for twentieth and twenty-first fiscal years, ending July first, eighteen hundred and seventy. Lewis...                   | 454              | 490            | 638                  |
| 523         | An Act to authorize the Controller and Treasurer of State to transfer certain funds. Lewis.....  | 454              | 523            | 767                  |
| 524         | An Act to protect settlers on public lands. Mureh.....   | 454              |                |                      |
| 525         | An Act to authorize the closing of certain streets in the City of Benicia. Minis.....  | 454              |                |                      |
| 526         | An Act to grant the right of way over State lands, also granting tide lands in the Bay of San Diego, in the City and County of San Diego, for terminus and depot and other purposes. Conn.....   | 455              |                |                      |
| 527         | An Act to authorize the County of Sacramento to issue bonds to raise money for Court-house and jail purposes. Curtis.  | 455              | 466            | 628                  |
| 528         | An Act to authorize a tax to be levied upon the taxable property of Red Bluff School District, Tehama County, for building purposes. Lewis.....  | 455              | 455            | 543                  |
| 529         | An Act to amend the Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one. Roberts..... | 455              |                |                      |
| 530         | An Act to amend an Act entitled an Act to reorganize and provide for the Institution for the Education and Care of the Deaf and Dumb and the Blind in the State of California. Gwin.....         | 455              |                |                      |

## SENATE BILLS.

| Number..... | TITLE.   | Introduced..... | Passed Senate.. | Passed Assem-<br>bly..... |
|-------------|--|-----------------|-----------------|---------------------------|
| 531         | An Act to provide for the government of the State Prison and authorize the Board of Directors to adopt the Irish system of discipline therein. Lewis.....  | 461             | 577             | 717                       |
| 532         | An Act to amend an Act entitled an Act amendatory of article fourth of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six. Hager..... | 463             | 734             |                           |
| 533         | An Act to provide for the revision and compilation of the statute laws of the State of California. Hager.....  | 464             |                 |                           |
| 534         | An Act to provide for the improvement of the water front of the City and County of San Francisco. Hager.....   | 464             | 633             |                           |
| 535         | An Act to authorize the Counties of Mendocino, Humboldt, Klamath and Del Norte to issue bonds to aid in the construction of a telegraph line through said counties. Mureh.   | 464             | 491             | 529                       |
| 536         | An Act to regulate fees of office and salaries of officers in Siskiyou County. Irwin.....  | 465             | 485             | 481                       |
| 537         | An Act concerning the State Normal School. Pendegast.....  | 472             | 472             |                           |
| 538         | An Act to authorize the Counties of Tehama and Colusa to aid in the construction of the railroad proposed to be built by the Benicia and Red Bluff Railroad Company. Lewis.....  | 471             | 530             | 746                       |
| 539         | An Act to authorize the appropriation of eight hundred dollars, to pay J. M. Sharkey, M. D., for medical attendance and medicine supplied the Hon. Thomas Campbell, deceased, during his last illness. Mandeville.....   | 471             |                 |                           |
| 540         | An Act to provide for the redemption of the outstanding warrants of Amador County, and to prevent a further increase of the indebtedness of said county. Farley.....   | 471             | 471             | 543                       |
| 541         | An Act to provide for the construction of a wagon road from Redwood City to the Town of Pescadero, in the County of San Mateo, and other matters relating thereto. Kincaid...  | 471             | 562             | 636                       |
| 542         | An Act relating to the care and custody of minor children in certain cases. Tweed .....  | 472             | 472             | 528                       |
| 543         | An Act authorizing the sale of certain legal tender notes. Roberts.....  | 475             | 475             | 528                       |
| 544         | An Act to provide for refunding to Joseph R. Patterson certain moneys paid by him into the Swamp Land Fund, together with interest on the same. Irwin.....   | 475             |                 |                           |
| 545         | An Act authorizing the Board of Supervisors of San Mateo County to allow, and the County Treasurer to pay, a certain claim of Charles Carvalho, for interpreting. Kiucald.....   | 476             | 476             | 542                       |
| 546         | An Act concerning the salaries of certain officers therein named. Betge.....   | 475             | 662             | 715                       |
| 547         | An Act to appropriate funds for the relief of the several orphan asylums of this State. Minis.....   | 476             | 574             | 599                       |

## SENATE BILLS.

| Number..... | TITLE.   | Introduced ..... | Passed Senate. | Passed Assem-<br>bly ..... |
|-------------|--|------------------|----------------|----------------------------|
| 548         | An Act to empower the County of Monterey to aid in the construction of the Monterey and Salinas Valley Railroad. McDougall .....   | 476              | 687            | 744                        |
| 549         | An Act relating to the Home of the Inebriate of San Francisco, and to prescribe the powers and duties of the Board of Managers and the officers thereof. Hager.....  | 476              |                |                            |
| 550         | An Act to provide for the submission to the people of the proposed amendment to the Constitution of the State, as proposed by the Legislature at its sixteenth session, and adopted by the Legislature at its seventeenth session, to the votes of the qualified electors at the next general election. Hager..... | 482              | 482            | 546                        |
| 551         | An Act granting to the City of Petaluma tide lands within said city. Burnett.....  | 482              |                |                            |
| 552         | An Act amendatory of and supplemental to an Act to incorporate the City of Petaluma, approved March twenty-seventh, eighteen hundred and sixty-eight. Burnett.....   | 482              |                |                            |
| 553         | An Act to amend an Act to provide for paving the streets in the City and County of San Francisco. Saunders.....  | 482              | 731            |                            |
| 554         | An Act to extend the time allowed to the Southern Pacific Railroad Company and the Western Pacific Railroad Company in which to make the terminus of their roads upon certain lands donated to them by the State for that purpose in the City and County of San Francisco. Comte....                               | 482              | 624            | 747                        |
| 555         | An Act to authorize the Boards of Supervisors of the Counties of San Mateo and Santa Clara to donate certain railroad stock to the Southern Pacific Railroad Company, to aid in the construction of the road of said company. Kincaid...   | 483              |                |                            |
| 556         | An Act to empower the County of San Diego to aid in the construction of a railroad in said county. Conn.....   | 495              |                |                            |
| 557         | An Act to fund the debt of the City of Los Angeles and to provide for the payment of the same. Wilson.....   | 495              | 504            |                            |
| 558         | An Act to quiet title to certain lands in the City and County of San Francisco. Beach.....   | 495              |                | 778                        |
| 559         | An Act to empower the Counties of Yolo, Colusa and Tehama to aid in the construction of a railroad in said counties. Pendegast.....  | 495              | 619            | 746                        |
| 560         | An Act to amend an Act entitled an Act concerning trade marks and names. Wand.....   | 495              |                |                            |
| 561         | An Act authorizing Thomas B. Lewis, J. W. Bucklin, H. B. Congdon and Philip Talk, and their associates, to construct and maintain a railroad in the City and County of San Francisco. Betge.....   | 495              |                |                            |
| 562         | An Act for the encouragement of agriculture. Lewis.....  | 495              | 588            | 745                        |
| 563         | An Act to amend an Act entitled an Act to provide for the transfer of certain funds in the County of Placer. Banvard.  | 495              | 731            | 768                        |

## SENATE BILLS.

| Number..... | TITLE.  | Introduced..... | Passed Senate. | Passed Assembly..... |
|-------------|---|-----------------|----------------|----------------------|
| 564         | An Act for the relief of Thomas F. Miller. Kincaid.....   | 495             |                |                      |
| 565         | An Act to grant to Charles J. Janson a patent for certain lands for ship building purposes. Kincaid.....  | 495             |                |                      |
| 566         | An Act to provide for the formation of corporations for certain purposes. Hager.....  | 495             | 774            | 773                  |
| 567         | An Act to authorize the sale and conveyance of certain overflowed, tide and submerged lands in Marin County, to the Pioneer Ship Building Company. Green.....   | 495             |                |                      |
| 568         | An Act to incorporate the City of Stockton. Orr.....  | 496             | 525            | 609                  |
| 569         | An Act to provide for the appointment of a Hack Inspector for the City of San Francisco. Betge.....   | 512             |                |                      |
| 570         | An Act for the better protection of Treasurers of the City and County of Los Angeles. Wilson.....   | 512             | 564            |                      |
| 571         | An Act to amend an Act entitled an Act to grant the right to construct a bridge across the Sacramento River, between the City of Sacramento and the Town of Washington, to certain parties therein named, approved April third, eighteen hundred and fifty-seven. Comte.....                  | 512             | 606            |                      |
| 572         | An Act to authorize the Board of State Capitol Commissioners to provide for the construction of a State Armory in the City of Sacramento. Curtis.....   | 512             |                |                      |
| 573         | An Act to authorize Robert McHenry, administrator of the estate of Henry Langworth, deceased, to sell the real estate of said estate. Lawrence.....   | 513             | 734            |                      |
| 574         | An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three. Farley.....  | 521             |                |                      |
| 575         | An Act to authorize the guardian of the minor children of Robert S. Carlisle to sell certain real estate. Conn.....   | 529             |                |                      |
| 576         | An Act in relation to Public Messengers and other officers engaged in public duties, and defining their privileges. Roberts.....  | 529             |                |                      |
| 577         | An Act to create a Redemption Fund and to provide means for defraying the expenses of the County of El Dorado. Hunter.....  | 529             | 534            | 569                  |
| 578         | An Act to authorize the Boards of Supervisors of the several counties of this State to grant franchises in their respective counties for cleaning out streams not navigable in their respective counties, and for using the waters of the same for rafting and booming purposes. Kincaid..... | 529             | 662            | 718                  |
| 579         | An Act authorizing the Controller of State to exchange certain State revenue stamps. Larkin.....  | 530             |                |                      |
| 580         | An Act to provide for the registration of the citizens and legal voters of this State, and for the prevention and punishment of frauds affecting the elective franchise. Banvard...   | 530             |                |                      |



## SENATE BILLS.

| Number..... | TITLE.   | Introduced..... | Passed Senate. | Passed Assembly..... |
|-------------|--|-----------------|----------------|----------------------|
| 581         | An Act to repeal an Act entitled an Act supplementary to and amendatory of the various Acts regulating elections and to repeal certain laws on the subject, approved March thirty-first, eighteen hundred and sixty-six, and to revive certain laws by said Act repealed. Banvard..... | 530             |                |                      |
| 582         | An Act to provide for the maintenance of the indigent sick in certain townships therein named, in Siskiyou County. Irwin.....  | 530             | 530            | 591                  |
| 583         | An Act to provide for the official valuation of life insurance policies. Hager.....  | 529             | 662            | 769                  |
| 584         | An Act concerning street railroads. Hager.....   | 530             | 575            | 636                  |
| 585         | An Act concerning the office of County Clerk of Napa County. Pendegast.....  | 530             | 536            | 597                  |
| 586         | An Act to provide for the construction and maintenance of a wagon road in the County of Lake. Pendegast.....   | 530             | 731            |                      |
| 587         | An Act relating to the sale of patent medicines, nostrums or compounds. Beach.....   | 530             |                |                      |
| 588         | An Act to authorize the Board of Supervisors of Yolo County to retain counsel to prosecute or defend proceedings in relation to claims against Swamp Land District Number Eighteen. Minis.....   | 530             | 530            | 638                  |
| 589         | An Act to ratify and confirm certain proceedings of the Board of Supervisors of the City and County of San Francisco. Saunders.....  | 530             |                |                      |
| 590         | An Act to provide for the election of a Board of Supervisors in the County of San Luis Obispo, and fix their term of office. Pacheco.....  | 538             | 538            | 715                  |
| 591         | An Act to legalize assessments and to provide for the collection of delinquent taxes in the several counties of this State. Pacheco.....   | 538             |                |                      |
| 592         | An Act to authorize the issuance of bonds by the County of San Luis Obispo to erect county buildings, and to purchase a site for the same. Pacheco.....  | 538             | 731            | 768                  |
| 593         | An Act to prevent hunting, shooting and camping on private lands in the County of Marin. Green.....  | 538             |                |                      |
| 594         | An Act to perfect title to lands granted by the United States to the State of California. Farley.....  | 538             | 674            | 717                  |
| 595         | An Act authorizing the Board of Supervisors of Sierra County to build a certain wagon road in said county, and to issue bonds therefor. Turner.....  | 538             | 575            | 664                  |
| 596         | An Act relating to the office of District Attorney of the City and County of San Francisco. Hager.....   | 538             |                |                      |
| 597         | An Act to relieve the owners of encumbered real estate from double taxation. Kincaid.....  | 548             | 644            | 702                  |
| 598         | An Act to incorporate the Town of Colusa. Lewis.....   | 559             | 732            | 767                  |

## SENATE BILLS.

| Number..... | TITLE.   | Introduced..... | Passed Senate | Passed Assembly..... |
|-------------|--|-----------------|---------------|----------------------|
| 599         | An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one. Hager.....   | 559             |               | 778                  |
| 600         | An Act for the relief of certain orphan asylums. Hager.....  | 559             | 723           | 769                  |
| 601         | An Act to encourage ship building and manufactures. Kincaid.   | 559             |               |                      |
| 602         | An Act providing for the payment of the balance of a judgment in favor of Tristram C. Gilman against the County of Contra Costa. Morrill.....  | 559             |               |                      |
| 603         | An Act to provide for the liquidation of all claims against the State, not otherwise provided for by law. Curtis.....  | 559             | 560           | 699                  |
| 604         | An Act to amend an Act entitled an Act in reference to library associations, approved April twenty-seventh, eighteen hundred and sixty-three. Pendegast.....   | 560             | 560           | 599                  |
| 605         | An Act extending the authority of E. S. Craig, late District Attorney of the County of Placer, in the prosecution and defence of certain actions and proceedings, and other matters relating thereto. Banvard.....   | 559             | 564           | 598                  |
| 606         | An Act to repeal an Act entitled an Act to incorporate the Town of Columbia, in Tuolumne County, approved April ninth, eighteen hundred and fifty-seven, and all Acts supplementary thereto and amendatory thereof; and to provide for the disposing of the property and settling up the indebtedness of said Town or City of Columbia. Wing.... | 560             | 560           | 599                  |
| 607         | An Act to create a Board of Water Commissioners for the City of Los Angeles, and to define their powers. Wilson.....   | 560             | 708           | 745                  |
| 608         | An Act to declare Sanford E. Watts of lawful age for certain purposes. Betge.....  | 559             |               |                      |
| 609         | An Act to empower the California Dry Dock Company to change the location of its floating dock in San Francisco. Comte.....   | 559             |               |                      |
| 610         | An Act to increase the number of the Trustees of the Church of the Advent, of the City and County of San Francisco, and ratifying and confirming the acts of its Trustees. Saunders.   | 559             |               |                      |
| 611         | An Act to legalize certain applications for the purchase of lands belonging to this State. Perkins.....  | 560             | 605           | 636                  |
| 612         | An Act concerning gas companies. Saunders.....   | 575             | 714           | 667                  |
| 613         | An Act granting leave of absence to Thomas H. Holt, Auditor of the City and County of San Francisco. Hager.....  | 580             | 580           | 636                  |
| 614         | An Act to establish and define the powers and duties of the Secretary of the Board of Education of the City and County of San Francisco. Hager.....  | 581             | 733           | 747                  |
| 615         | An Act amendatory of an Act entitled an Act to provide for the improvement and protection of the wharves, docks and water front in the City and County of San Francisco, approved March fifth, eighteen hundred and sixty-four. Hager.....   | 581             |               |                      |

## SENATE BILLS.

| Number..... | T I T L E .   | Introduced ..... | Passed Senate. | Passed Assem-<br>bly ..... |
|-------------|---|------------------|----------------|----------------------------|
| 616         | An Act to grant to certain persons the right of way for a rail-<br>road track within the corporate limits of the City and<br>County of San Francisco and to maintain the same, and to<br>run horse cars thereon and to carry passengers and freight<br>and collect pay therefor. Hager..... | 581              |                |                            |
| 617         | A bill for the relief of William B. Norman and A. C. Bradford.<br>Gwin.....   | 581              |                |                            |
| 618         | An Act to grant leave of absence to the Surveyor-General and<br>Register of the State Land Office. Mandeville.....  | 580              | 580            | 636                        |
| 619         | An Act to amend section one of an Act entitled an Act to incor-<br>porate the City of Los Angeles, approved March fifth,<br>eighteen hundred and sixty-eight. Wilson.....   | 580              | 580            |                            |
| 620         | An Act amendatory of and supplemental to an Act entitled an<br>Act to repeal the several Acts incorporating the City of<br>Benicia and to provide for the government thereof, ap-<br>proved April eighteenth, eighteen hundred and fifty-nine.<br>Minis.....                                | 581              | 729            | 729                        |
| 621         | An Act concerning wharves. Mandeville.....  | 580              | 580            | 766                        |
| 622         | An Act to provide for the construction of a wagon road from<br>and to the Yosemite Valley and Big Tree Grove. Law-<br>rence.....  | 581              | 612            |                            |
| 623         | An Act supplementary to and amendatory of an Act to provide<br>for the location, construction and maintenance of public<br>roads in the County of Nevada, approved March thirtieth,<br>eighteen hundred and sixty-eight. Roberts.....   | 580              | 580            | 668                        |
| 624         | An Act to authorize the City of San José to sell certain bonds<br>and use the proceeds thereof in purchasing sites for public<br>school houses. Maclay.....   | 580              | 580            | 636                        |
| 625         | An Act to authorize the Board of Supervisors of the County of<br>Santa Clara to issue bonds and apply the proceeds thereof<br>to the purchasing of school and other furniture for the use of<br>the State Normal School. Maclay.....  | 580              | 580            | 746                        |
| 626         | An Act to amend an Act entitled an Act to raise a fund for the<br>improvement of Napa City, approved January twenty-<br>fourth, eighteen hundred and seventy. Pendegast.....  | 580              | 580            | 685                        |
| 627         | An Act concerning revenue and the assessment of property.<br>Larkin.....  | 581              |                |                            |
| 628         | An Act to amend an Act entitled an Act concerning the military<br>of the State of California, approved April second, eighteen<br>hundred and sixty-six. Hunter.....   | 581              | 603            |                            |
| 629         | An Act to empower the Counties of Yuba, Butte and Plumas to<br>aid in the construction of a railroad in said counties.<br>Conly.....  | 581              | 657            | 700                        |
| 630         | An Act to provide for the construction of a tram railroad in the<br>Counties of San Mateo and Santa Cruz. Kincaid.....  | 601              |                |                            |
| 631         | An Act to authorize the City and County of San Francisco to<br>purchase the property and rights of the Mission Bay<br>Bridge Company. Kincaid.....  | 601              | 697            | 716                        |

## SENATE BILLS.

| Number..... | TITLE.  | Introduced..... | Passed Senate. | Passed Assembly..... |
|-------------|---|-----------------|----------------|----------------------|
| 632         | An Act concerning the offices of County Clerk and County Surveyor of the County of Los Angeles. Wilson.....   | 601             | 601            | 635                  |
| 633         | An Act to authorize the Trustees of Calistoga School District, in the County of Napa, to issue bonds for certain purposes. Pendegast.....   | 601             | 732            |                      |
| 634         | An Act to amend an Act entitled an Act concerning the Insane Asylum of California and to levy a tax therefor. Wand....  | 601             |                |                      |
| 635         | An Act relating to the County Assessor of Monterey County. McDougall.....   | 601             | 733            |                      |
| 636         | An Act to amend an Act entitled an Act to regulate the settlement of the estate of deceased persons, passed May first, eighteen hundred and fifty-one, and Acts amendatory thereof. Turner..... | 601             |                |                      |
| 637         | An Act amendatory of and supplementary to an Act entitled an Act to establish and define the powers and duties of the Board of Education of the City of Petaluma. Burnett....                   | 601             | 601            |                      |
| 638         | An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, passed April twentieth, eighteen hundred and sixty-three. Farley.....              | 601             |                |                      |
| 639         | An Act to create the County of Oristimbo and to define its boundaries. Lawrence.....  | 611             | 650            | 717                  |
| 640         | An Act concerning the construction of the State Capitol in the City of Sacramento. Curtis.....  | 613             | 613            | 685                  |
| 641         | An Act concerning the office of Clerk of the Board of Supervisors and Equalization in the County of Placer. Tweed...  | 614             | 663            | 717                  |
| 642         | An Act to change the terms of the District Court of the Thirteenth Judicial District of the State of California in and for the Counties of Tulare, Fresno, Merced and Mariposa. Lawrence.....   | 616             | 616            | 764                  |
| 643         | An Act to amend section one, number ninety-seven, of the Criminal Practice Act. Banvard. ....   | 617             |                |                      |
| 644         | An Act to provide for the payment of the salary of certain officers in the County of Shasta. Chappell.....  | 648             | 648            | 699                  |
| 645         | An Act to provide for compulsory education of the youth of California. Botge.....   | 648             |                |                      |
| 646         | An Act creating a Water Board and providing for a Board of Water Commissioners in the City and County of San Francisco. Hager.....  | 648             |                |                      |
| 647         | An Act granting certain property to the County of Sacramento. Banvard.....  | 649             | 649            | 768                  |
| 648         | An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the liquidation of the indebtedness of the City of Marysville, in Yuba County. Beach...                   | 649             | 649            | 699                  |
| 649         | An Act to amend an Act entitled an Act requiring compensation for causing death by wrongful act, neglect or default,  |                 |                |                      |

## SENATE BILLS.

| Number..... | TITLE.   | Introduced .... | Passed Senate. | Passed Assem-<br>bly..... |
|-------------|--|-----------------|----------------|---------------------------|
|             | approved April twenty-sixth, eighteen hundred and sixty-two. Roberts.....  | 649             |                |                           |
| 650         | An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco. Saunders.....  | 649             | 735            | 778                       |
| 650½        | An Act for the protection of game imported into this State by the Ornithological and Piscatorial Acclimatizing Society of California. Wand.....  | 649             | 649            | 674                       |
| 651         | An Act to provide the Institution for the Deaf, Dumb and the Blind, with a geological and mineral cabinet. Tompkins.   | 649             | 649            | 651                       |
| 652         | An Act to amend an Act entitled an Act for the incorporation of railroad companies and management of affairs thereof, etc. Orr.....  | 650             |                |                           |
| 653         | An Act providing for the drainage and reclamation of certain lands, and navigation between certain places. Lawrence...   | 651             |                |                           |
| 654         | An Act to relieve owners of encumbered real estate from double taxation. Farley.....   | 663             | 724            | 787                       |
| 655         | An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one. O'Connor.....                                     | 663             | 663            | 746                       |
| 656         | An Act concerning crimes and punishments. Gwin.....  | 663             | 663            |                           |
| 657         | An Act to provide for the construction and maintenance of toll roads within the State of California. Lawrence.....   | 664             |                | 746                       |
| 658         | An Act to appropriate money for contingent expenses of the Legislature. Banvard.....   | 669             | 696            | 717                       |
| 659         | An Act to provide for the collection of taxes in the County of Tehama. Lewis.....  | 677             | 677            |                           |
| 660         | An Act to legalize assessments and to provide for the collection of delinquent taxes in the County of San Luis Obispo. Pacheco.....  | 703             | 703            | 718                       |
| 661         | An Act granting leave of absence to Antonio F. Coronel, Treasurer of the State of California. Pacheco.....   | 703             | 703            | 718                       |
| 662         | An Act to amend an Act entitled an Act to encourage the planting and cultivation of shade and fruit trees upon the public roads and highways of this State, approved March thirtieth, eighteen hundred and sixty-eight. Perkins..... | 703             |                |                           |
| 663         | An Act to fix the terms of the District Court in the Second Judicial District. Perkins.....  | 703             | 703            | 718                       |
| 664         | An Act to establish the California State Board of Immigration and define the duties and powers thereof. Mandeville.....  | 703             |                |                           |
| 665         | An Act supplementary to an Act entitled an Act to provide for compensating parties whose property may be destroyed in consequence of mobs or riots, approved March twenty-seventh, eighteen hundred and sixty-eight. Minis.....      | 703             | 703            | 747                       |

## SENATE BILLS.

| Number..... | TITLE.   | Introduced ..... | Passed Senate. | Passed Assembly..... |
|-------------|--|------------------|----------------|----------------------|
| 666         | An Act to empower the City and County of San Francisco to aid in the construction of the Southern Pacific Railroad, and other purposes. Wand.....  | 710              | 710            | 746                  |
| 667         | An Act to define the powers of Justices of the Peace in the City and County of San Francisco. Hager.....   | 711              | 711            | 744                  |
| 668         | An Act to aid in giving effect to an Act of Congress relating to the Southern Pacific Railroad Company. Curtis.....  | 711              | 711            | 746                  |
| 669         | An Act to provide for the payment of the salary of the County Treasurer of the County of Colusa. Lewis.....  |                  |                | 744                  |
| 670         | An Act to amend an Act entitled an Act declaring certain creeks in Marin County navigable, approved May seven-teenth, eighteen hundred and sixty-one. Green.....   | 719              | 719            | 745                  |
| 671         | An Act to amend an Act entitled an Act to organize and regulate townships in San Mateo County, and to define the respective powers, duties and compensation of county and township officers in certain cases, approved March twenty-second, eighteen hundred and sixty-six. Kincaid..... | 723              | 723            | 778                  |
| 672         | An Act to amend an Act entitled an Act concerning street railroads, approved March twenty-ninth, eighteen hundred and seventy. Curtis.....   |                  |                | 778                  |
| 673         | An Act to amend an Act entitled an Act to provide for the support of the Government of this State, approved May sixteenth, eighteen hundred and sixty-one. Maclay.....   | 774              | 774            | 778                  |
| 674         | An Act to fix the terms for holding the Municipal Criminal Court of the City and County of San Francisco. Hager....  |                  |                | 785                  |
| 675         | An Act to provide that certain Acts herein named shall take effect immediately. Banvard.....   | 784              | 784            | 785                  |

# SENATE CONCURRENT AND JOINT RESOLUTIONS.

## SENATE CONCURRENT RESOLUTIONS.

| Number..... | TITLE.  | Introduced.. |
|-------------|---|--------------|
| 1           | Concurrent resolution tendering the use of the Senate and Assembly Chambers to the citizens of Sacramento, etc. Comte.....  | 35           |
| 2           | Concurrent resolution relative to appointing Joint Committee of three from each House to inform his Excellency the Governor (H. H. Haight) that the Houses are now organized and ready for business. Morrill..... | 37           |
| 3           | Concurrent resolution instructing the Sergeant-at-Arms of each House to deliver to State Librarian ten copies of all printed documents, bills and files of either House. Curtis.....                              | 35           |
| 4           | Concurrent resolution providing for printing the general file, etc. Murch.....  | 39           |
| 5           | Concurrent resolution providing for locating a passable and safe route from the Capitol building to the habitable portions of this city, etc. Lawrence.....   | 39           |
| 6           | Concurrent resolution relative to mineral lands of the State of California. Roberts.  | 89           |
| 7           | Concurrent resolution relative to route from Capitol to habitable portion of City of Sacramento.....  | 39           |
| 8           | Concurrent resolution relative to printing four thousand copies of report of Resident Director of State Prison.....   | 98           |
| 9           | Resolutions relative to expunging from the Journal, judgment against J. H. Hardy.....   | 90           |
| 10          | Concurrent resolution relative to suspending orders of Secretary of Interior in reference to public lands.....  | 101          |
| 11          | Concurrent resolution in reference to printing documents, report of Secretary of Library of Supreme Court and report of Commissioners of Reform School. Lawrence.....   | 124          |
| 12          | Concurrent resolution relative to printing report of Secretary of Supreme Court Library and report of Commissioners of Reform School. Lawrence.....   | 124          |
| 13          | Concurrent resolution relative to mail route in Merced County, petitioning Congress, etc. Lawrence.....   | 136          |
| 14          | Concurrent resolution relative to correcting the enrolled Bill No. 3, by Enrolling Clerk. Curtis.....   | 159          |
| 15          | Concurrent resolution relative to meeting in Joint Convention to elect a Harbor Commissioner. Pendegast.....  | 168          |
| 16          | Concurrent resolution relative to appointment of Clerk to State Prison Committee. Lewis.....  | 175          |
| 17          | Concurrent resolution relative to Fifteenth Amendment, etc. Gwin.....   | 198          |
| 18          | Concurrent resolution relative to mail route from Oroville to Taylorville. Perkins.   | 199          |

## SENATE CONCURRENT RESOLUTIONS.

| Number..... | TITLE.   | Introduced.. |
|-------------|--|--------------|
| 19          | Concurrent resolution relative to establishing mail route from San Diego to Salt Lake. Conn.....                                       | 205          |
| 20          | Concurrent resolution relative to Joint Convention, etc. Farley.....   | 220          |
| 21          | Concurrent resolution relative to granting leave of absence to the Sheriff of Los Angeles County. Wilson.....                          | 237          |
| 22          | Concurrent resolution relative to granting subsidies in aid of establishing mail route between San Francisco and Melbourne. Betge..... | 243          |
| 23          | Concurrent resolution relative to additional joint rule. Murch.....  | 258          |
| 24          | Concurrent resolution relative to exempting fruit distillers. Wilson.....  | 249          |
| 25          | Concurrent resolution relative to correcting Senate Bill No. 227. Hager.....   | 305          |
| 26          | Concurrent resolution relative to Special Normal School Committee on Location....  | 306          |
| 27          | Concurrent resolution relative to mail route from City of San José. MacLay.....  | 321          |
| 28          | Concurrent resolution relative to Joint Convention for election of Trustees for Deaf, Dumb and Blind. Farley..                         | 321          |
| 29          | Concurrent resolution relative to leave of absence to John W. Bost. Lewis.....   | 350          |
| 30          | Concurrent resolution relative to the erection of a breakwater at Wilmington Harbor. Wilson.....                                       | 351          |
| 31          | Concurrent resolution relative to mail route from San Francisco to Sausalito. Green.   |              |
| 32          | Concurrent resolution relative to the construction of a ship canal across the Isthmus of Darien, at Panama. Lawrence.....              | 370          |
| 33          | Concurrent resolution relative to weekly mail from Cottage Grove to Orleans, in Klamath County. Murch .....                            | 414          |
| 34          | Concurrent resolution relative to printing five thousand copies of the Surveyor-General's report. Morrill .....                        | 432          |
| 35          | Concurrent resolution relative to granting leave of absence to Sidney Waite. Conn.   | 455          |
| 36          | Concurrent resolution relative to a call for a Convention to amend the Constitution of the United States. Mandeville.....              | 456          |
| 37          | Concurrent resolution relative to declaring Vallejo a port of entry. Minis.....  | 483          |
| 38          | Concurrent resolution relative to Joint Convention on State Normal School. Pendegast.....  | 496          |
| 39          | Concurrent resolution relative to the abolishment of the income tax. Perkins.....  | 496          |
| 40          | Concurrent resolution relative to authorizing Enrolling Clerk to correct error in Senate Bill No. 458. Morrill.....                    | 505          |
| 41          | Concurrent resolution relative to the restoration of shipbuilding. Tompkins.....   | 507          |
| 42          | Concurrent resolution relative to authorizing Enrolling Clerk to correct error in bill. Hager.....                                     | 521          |
| 43          | Concurrent resolution relative to printing fee bills of Calaveras, El Dorado, Sierra and Nevada. Irwin .....                           | 532          |



## SENATE CONCURRENT RESOLUTIONS.

| Number ..... | TITLE.   | Introduced.. |
|--------------|--|--------------|
| 44           | Concurrent resolution relative to adjournment <i>sine die</i> , March nineteenth, eighteen hundred and seventy. Lewis.....   | 531          |
| 45           | Concurrent resolution requesting the Governor to return Senate Bill No. 314, for the purpose of correction. Saunders.....  | 532          |
| 46           | Concurrent resolution relative to requesting Postmaster-General to establish Post-offices on the road from Red Bluff to Strawberry Valley, Siskiyou County, etc. Irwin.....  | 540          |
| 47           | Concurrent resolution relative to granting leave of absence to W. B. C. Brown, County Clerk of Sacramento County, and F. R. Dray, County Assessor of said county. Comte..... | 546          |
| 48           | Concurrent resolution relative to authorizing Enrolling Clerk to correct Senate Bill No. 221. Saunders.....  | 547          |
| 49           | Concurrent resolution requesting the Governor to return Senate Bill No. 83.....  | 546          |
| 50           | Concurrent resolution—application of the Legislature of the State of California to Congress to call a Convention to amend the Constitution. Mandeville.....                  | 456          |
| 51           | Concurrent resolution relative to authorizing the Enrolling Clerk to correct Senate Bill No. 83. Pendegast.....  | 559          |
| 52           | Concurrent resolution relative to authorizing Enrolling Clerk to correct Senate Bill No. 328. Orr.....   | 547          |
| 53           | Concurrent resolution relative to granting Thomas Laspeyre, District Attorney of Kern County, leave of absence. Fowler.....  | 561          |
| 54           | Concurrent resolution relative to correcting error in Senate Bill No. 577. Larkin.   | 581          |
| 55           | Concurrent resolution relative to disputed territory between Arizona and California. Conn.....   | 582          |
| 56           | Concurrent resolution authorizing Enrolling Committee to make correction in Senate Bill No. 550. Perkins.....  | 592          |
| 57           | Concurrent resolution requesting Governor to return Senate Bill No. 543. Roberts.  | 602          |
| 58           | Concurrent resolution relative to granting leave of absence to J. L. Eastman. Beach.....   | 602          |
| 59           | Resolution requesting the Assembly to return to the Senate, Assembly Bill No. 451 for amendment. Banvard.....  | 611          |
| 60           | Concurrent resolution relative to authorizing the Enrolling Clerk to correct error. O'Connor.....  | 647          |
| 61           | Concurrent resolution relative to landing Chinese women on our shores, having been kidnapped. Wand.....  |              |
| 62           | Concurrent resolution relative to the Legislature visiting the City of San José, on April fifth, eighteen hundred and seventy. Maclay.....                                   | 547          |
| 63           | Concurrent resolution relative to placing the flag on the dome of the Capitol at half-mast, in honor of the memory of Major-General George H. Thomas, deceased. Tweed.....   | 673          |
| 64           | Concurrent resolution relative to correcting error in Bill No. 568. Orr.....   |              |

## SENATE CONCURRENT AND JOINT RESOLUTIONS.

| Number .....              | TITLE.  | Introduced.. |
|---------------------------|---|--------------|
| 65                        | Concurrent resolution relative to granting leave of absence to Matthew Woods, Sheriff of Yuba County.....         | 739          |
| 66                        | Concurrent resolution relative to paying C. A. Uhrig for translating Governor's message into German..             | 764          |
| 67                        | Concurrent resolution relative to correcting error in Assembly Bill No. 747.....                                  | 766          |
| 68                        | Concurrent resolution relative to the Golden Gate Homestead Association.....                                      | 776          |
| 69                        | Concurrent resolution relative to leave of absence to C. E. Thom, District Attorney of Los Angeles. Pacheco ..... | 786          |
| 70                        | Concurrent resolution relative to leave of absence of Surveyor of Santa Barbara, W. H. Norway.....                | 786          |
| <hr/>                     |   |              |
| SENATE JOINT RESOLUTIONS. |   |              |
| 1                         | Joint resolution relative to the withdrawal of public lands, etc. Perkins.....                                    |              |
| 2                         | Joint resolution relative to mail routes.....   |              |
| 3                         | Joint resolution relative to the Fifteenth Amendment, etc. Hager.....   |              |
| 4                         | Joint resolution relative to printing additional copies of Governor's message.....                                | 101          |
| 5                         | Joint resolution relative to highway from Santa Rosa to Sonoma—mail routes.....                                   | 202          |

# INDEX TO ASSEMBLY BILLS.

ASSEMBLY BILLS.

[See Assembly Journal.]

| Number..... | TITLE.   | Introduced.... | Passed Assembly..... | Passed Senate. |
|-------------|--|----------------|----------------------|----------------|
| 1           | An Act to provide for a State Board of Equalization. Lambert.  | 83             |                      |                |
| 2           | An Act to amend an Act to organize and regulate the Justices' Court in the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and sixty-six. Ryan.....  | 82             | 166                  |                |
| 3           | An Act to authorize a railroad in certain of the streets of the City and County of San Francisco for grading purposes. M. Hayes.....   | 83             | 343                  |                |
| 4           | An Act to fix the salary of the County Judge of Los Angeles County. Coronel.....   | 104            |                      |                |
| 5           | An Act for the relief of Patrick Campbell. M. Hayes.....   | 104            | 216                  |                |
| 6           | An Act amendatory of and supplementary to an Act entitled an Act to incorporate the Town of Santa Cruz, approved March thirty-first, eighteen hundred and sixty-six. Hihn.   | 104            | 211                  |                |
| 7           | An Act to provide means for the government of the County of Santa Cruz, and for the payment and funding of the debt of said county. Hihn.....  | 104            | 156                  |                |
| 8           | An Act to give to grand and trial jurors mileage in the County of Monterey. Blankenship.....   | 104            |                      |                |
| 9           | An Act to create the Eighteenth Judicial District, to make certain alterations in the Sixth and Seventh Judicial Districts, and to fix the terms of the Seventh and Eighteenth Judicial District Courts. Henley of Sonoma..... | 104            |                      |                |
| 10          | An Act to alter the Judicial Districts and to create the Eighteenth Judicial District. Naphtaly.....   | 104            | 235                  |                |
| 11          | An Act for the relief of Green T. Martin. Thurston.....  | 104            | 235                  |                |

| Number ..... | TITLE.   | Introduced ..... | Passed Assembly ..... | Passed Senate. |
|--------------|--|------------------|-----------------------|----------------|
| 12           | An Act amendatory of and supplementary to an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, and all Acts amendatory thereof. Naphtaly.....   | 104              | 242                   |                |
| 13           | An Act to establish and maintain a police force for the protection and regulation of Asiatic and Mongolian residents of this state and to prevent coolie slavery in California. Rockwell.....  | 104              |                       |                |
| 14           | An Act to provide for purchasing postage stamps and express envelops for members and officers of the Legislature. Satterwhite.....   | 105              | 155                   |                |
| 15           | An Act amendatory of and supplemental to an Act entitled an Act relative to the office of District Attorney of the County of Sacramento, approved March sixteenth, eighteen hundred and sixty-four. Horan.....   | 108              | 148                   |                |
| 16           | An Act to repeal an Act entitled an Act supplementary to the Act entitled an Act concerning crimes and punishments. Kelley .....   | 108              | 165                   |                |
| 17           | An Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public, and defining their duties. Robinson.....   | 109              | 211                   |                |
| 18           | An Act to provide for the payment of the debt of Humboldt County existing upon the thirty-first day of December, eighteen hundred and sixty-nine. De Haven.....  | 109              | 156                   |                |
| 19           | An Act to repeal an Act entitled an Act fixing the number of officers and employes of the Senate and Assembly, to define their duties and establish their pay. Lambert.....  | 109              | 158                   |                |
| 20           | An Act to provide for increasing the law library of the corporation known as the San Francisco Law Library, and to secure the use of the same to the Courts held at San Francisco, the Bar, the City and County Government and the people of the City and County of San Francisco. Naphtaly..... | 109              | 319                   |                |
| 21           | An Act to repeal an Act entitled an Act to protect sheep and Cashmere and Angora goats against the ravages of dogs, approved March thirteenth, eighteen hundred and sixty-six. Satterwhite.....  | 109              | 315                   |                |
| 22           | An Act to amend an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight. De Haven.....   | 109              | 211                   |                |
| 23           | An Act to authorize Alexis Kustel and Oscar Kustel, and their assigns, to construct and maintain a chute and landing at or near Fish Rock Landing, Mendocino County, and to charge and collect tolls for the use of the same. Henley of Sonoma.....  | 109              | 158                   |                |
| 24           | An Act to relieve the owners of encumbered real estate from double taxation. Moynihan.....   | 109              |                       |                |
| 25           | An Act to pay certain outstanding indebtedness of the County   |                  |                       |                |

| Number..... | T I T L E.  | Introduced .... | Passed Assem-<br>bly..... | Passed Senate. |
|-------------|---|-----------------|---------------------------|----------------|
|             | of Mono, incurred prior to the segregation of said county by virtue of the Act, approved March twenty-sixth, eighteen hundred and sixty-one, to ascertain and mark a portion of the eastern boundary of this State. Mooney.....                           | 114             | 300                       |                |
| 26          | An Act to empower Charles A. Yancey, guardian of Minnie Augusta and William Block, minors, to sell certain real estate herein named. Appling .....  | 114             | 697                       |                |
| 27          | An Act for the relief of Thomas N. Long, Sheriff of Lassen County. Lambert.....   | 114             | 141                       |                |
| 28          | An Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to pay a certain claim of P. W. Van Winkle. Griswold.....  | 114             | 159                       |                |
| 29          | An Act to create and establish a Board of Metropolitan Police Commissioners in and for the City and County of San Francisco. M. Hayes .....   | 114             | 554                       |                |
| 30          | An Act to repeal the Act to authorize the sale and conveyance to the San Mateo Tanning and Manufacturing Company certain overflowed lands in the County of San Mateo, approved March thirtieth, eighteen hundred and sixty-eight. Naphtaly .....          | 114             |                           |                |
| 31          | An Act to repeal an Act entitled an Act to regulate salaries and fix the compensation of certain county officers, approved March twenty-eighth, eighteen hundred and sixty-eight, in so much as it applies to the Counties of Lake and Napa. Crigler..... | 115             |                           |                |
| 32          | An Act to extend the provisions of an Act entitled an Act concerning hogs running at large in certain counties of this State, approved April twenty-first, eighteen hundred and sixty-five. Henley of Sonoma.....   | 115             | 129                       |                |
| 33          | An Act to authorize the Board of Supervisors of Humboldt County to transfer moneys from one fund to another and to provide for the disposition of the same. De Haven....  | 115             | 141                       |                |
| 34          | An Act concerning public roads and highways in the County of Monterey. Blankenship.....   | 115             | 216                       |                |
| 35          | An Act to ratify and confirm an ordinance passed by the President and Trustees of the City of San Diego for establishing gas works in San Diego City. Robinson.....   | 122             |                           |                |
| 36          | An Act granting James Ross, and his associates, the right to build and maintain a wharf in the County of Marin. Miller of Marin.....  | 123             |                           |                |
| 37          | An Act to amend an Act entitled an Act to define and establish the boundaries of Mono County, approved March second, eighteen hundred and sixty-six. Mooney.....  | 123             | 211                       |                |
| 38          | An Act providing for a preliminary survey of the Harbor of Santa Cruz and Salinas Slough, in Monterey Bay. Hihn..   | 123             | 267                       |                |
| 39          | An Act to reorganize the Police Department of San Francisco, to promote its efficiency and prohibit the removal of police officers for political opinions. McMillan .....   | 123             | 554                       |                |

| Number..... | T I T L E .  | Introduced..... | Passed Assembly..... | Passed Senate. |
|-------------|--|-----------------|----------------------|----------------|
| 40          | An Act to confirm Order Number Eight Hundred and Eighty-three of the Board of Supervisors of the City and County of San Francisco. Naphtaly.....   | 123             | 211                  |                |
| 41          | An Act to create the office of Bank Commissioner and to prescribe his duties and powers. Henley of Sonoma.....   | 123             | 380                  |                |
| 42          | An Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three. Stephens.....   | 123             | 144                  |                |
| 43          | An Act to grant the right to construct and maintain a bridge and ferry across Russian River and to open a public highway to the same. Munday.....  | 123             | 231                  |                |
| 44          | An Act concerning roads and highways in the County of Humboldt. De Haven.....  | 123             | 248                  |                |
| 45          | An Act granting the use of two hundred feet of water front in Marin County to J. W. Gates, James Aitkins, Thomas Green and associates. Miller of Marin.....  | 123             |                      |                |
| 46          | An Act to amend an Act to authorize Lyman Leslie, Paul K. Hubbs, and their associates, successors and assigns, to build and maintain a wharf at the City of Vallejo, in the County of Solano, approved March thirtieth, eighteen hundred and sixty-eight. Haile.....                   | 127             | 186                  |                |
| 47          | An Act relating to the water front of Old Sancelito. Miller of Marin.....  | 127             |                      |                |
| 48          | An Act to repeal an Act entitled an Act to amend an Act to regulate the interest of money, passed March thirteenth, eighteen hundred and fifty, approved March thirtieth, eighteen hundred and sixty-eight. G. R. B. Hayes.....  | 127             |                      |                |
| 49          | An Act regulating the preparation of medical prescriptions and sale of certain drugs. Naphtaly.....  | 127             |                      |                |
| 50          | An Act to indemnify Company B, First Regiment of Infantry, Second Brigade, National Guard of California, for losses by fire. G. R. B. Hayes.....   | 127             |                      |                |
| 51          | An Act for the relief of the San Francisco Cadets. Naphtaly...   | 127             | 326                  |                |
| 52          | An Act to amend an Act entitled an Act to grant to Larkin Lamb and his associates the right to construct and maintain a toll bridge across the Cosumnes River, in the counties of Amador and El Dorado, approved March sixth, eighteen hundred and sixty-three. Miller of El Dorado... | 135             | 187                  |                |
| 53          | An Act to provide for the payment of the salary of the County Judge of Kern County. Doss.....  | 135             | 311                  |                |
| 54          | An Act to amend an Act entitled an Act for the protection of game, approved May fifteenth, eighteen hundred and fifty-four. Hihn.....  | 135             | 622                  |                |
| 55          | An Act to repeal an Act entitled an Act for the encouragement of silk culture in this State, approved March thirtieth, eighteen hundred and sixty-eight. Kelley.....   | 135             |                      |                |

| Number..... | T I T L E .   | Introduced..... | Passed Assembly..... | Passed Senate..... |
|-------------|---|-----------------|----------------------|--------------------|
| 56          | An Act to amend an Act entitled an Act to provide for a system of common schools, approved March twenty-fourth, eighteen hundred and sixty-six. Lewelling.....  | 135             |                      |                    |
| 57          | An Act to establish a quarantine for the Bay and Harbor of San Francisco, and sanitary regulations for the City and County of San Francisco. Rogers .....   | 136             | 562                  |                    |
| 58          | An Act to repeal an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to authorize the Board of Supervisors of Humboldt County to levy a special tax for certain purposes, and to provide for the collection of the same, approved February eleventh, eighteen hundred and fifty-eight. De Haven..... | 136             | 224                  |                    |
| 59          | An Act to amend an Act entitled an Act to provide for a system of common schools. Munday.....   | 139             |                      |                    |
| 60          | An Act to authorize the County of Sacramento to issue bonds. Freeman .....  | 139             | 198                  |                    |
| 61          | An Act to amend an Act concerning crimes and punishments. Lambert.....  | 139             | 242                  |                    |
| 62          | An Act to establish a uniform system of ballots to be used at all the elections in this State and to punish the violation of the same. Haile.....   | 139             | 862                  |                    |
| 63          | An Act to provide for the assessment of mining claims in the State of California. Young.....  | 139             |                      |                    |
| 64          | An Act to regulate fees in office in the County of Nevada. Slicer.  | 139             |                      |                    |
| 65          | An Act to amend an Act entitled an Act respecting the Trustees of San Diego, approved April twenty-eighth, eighteen hundred and fifty-two. Robinson.....  | 139             | 242                  |                    |
| 66          | An Act for the relief of W. V. McGarvey. Blankenship.....   | 140             | 211                  |                    |
| 67          | An Act confirming certain resolutions and ordinances passed by the President and Trustees of the City of San Diego. Robinson.....   | 140             | 192                  |                    |
| 68          | An Act donating the San Francisco and North Pacific Railroad Company certain salt marsh and tide lands in the Counties of Marin and San Francisco. Romer.....   | 140             | 463                  |                    |
| 69          | An Act to amend an Act entitled an Act to amend an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one, approved April second, eighteen hundred and fifty-seven. De Haven.....  | 140             | 181                  |                    |
| 70          | An Act to authorize Assessors to complete duties imperfectly performed. Henley of Mendocino.....  | 140             | 328                  |                    |
| 71          | An Act amendatory of and supplementary to an Act entitled an Act to establish a paid Fire Department for the City and County of San Francisco, approved March second, eighteen hundred and sixty-six. McMillan....  | 147             | 336                  |                    |
| 72          | An Act to fix the compensation of the Assessor of Humboldt County. De Haven .....   | 147             |                      |                    |

| Number..... | T I T L E .  | Introduced..... | Passed Assembly..... | Passed Senate. |
|-------------|--|-----------------|----------------------|----------------|
| 73          | An Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two. Naphtaly.....   | 147             | 211                  |                |
| 74          | An Act to change the name of John Matthew Lynch. Rockwell.....   | 155             |                      |                |
| 75          | An Act to authorize the construction and maintenance of a canal along Channel street and Mission Creek, in the City and County of San Francisco. Fortune.....  | 158             |                      |                |
| 76          | An Act to incorporate the City of Gilroy. Thomas.....  | 164             | 311                  |                |
| 77          | An Act to encourage the destruction of squirrels and gophers in the Counties of Alameda and Contra Costa, and to provide for a bounty for the same. Carothers .....  | 164             | 244                  |                |
| 78          | An Act to preserve the purity of primary elections and nominating conventions. Rockwell.....   | 164             |                      |                |
| 79          | An Act to amend section ten of an Act to regulate salaries and fix the compensation of certain county officers, approved March twenty-eighth, eighteen hundred and sixty-nine. Johnson.....  | 164             |                      |                |
| 80          | An Act in relation to ferries and toll bridges in the County of Butte. Martin of Butte.....  | 164             | 181                  |                |
| 81          | An Act to confirm a certain order passed by the Board of Supervisors of the City and County of San Francisco, and to authorize said Board to appropriate money for certain purposes. McMillan.....   | 164             | 333                  |                |
| 82          | An Act to amend an Act to authorize the Board of Supervisors of Inyo County to levy a special tax for building purposes, approved January twenty-ninth, eighteen hundred and sixty-eight. Mooney.....  | 164             | 248                  |                |
| 83          | An Act to amend an Act entitled an Act concerning the auditing of accounts by the Court of Sessions and Board of Supervisors, approved May twelfth, eighteen hundred and fifty-three. De Haven.....  | 163             |                      |                |
| 84          | An Act to authorize Adelia Thompson to convey real estate. Fryer.....  | 164             | 311                  |                |
| 85          | An Act to repeal an Act entitled an Act to provide for the registration of the citizens of this State and for the enrolment in the several election districts of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, approved March ninth, eighteen hundred and sixty-six, and to repeal an Act entitled an Act to amend an Act entitled an Act to provide for the registration of the citizens of this State and for the enrolment of all the legal voters thereof, and for the prevention and punishment of frauds affecting the elective franchise, approved March thirtieth, eighteen hundred and sixty-eight. Mooney..... | 164             | 500                  |                |
| 86          | An Act to authorize the construction and maintenance of a wharf in San Luis Obispo County. Escandon.....   | 164             | 283                  |                |



| Number..... | TITLE.  | Introduced .... | Passed Assembly..... | Passed Senate. |
|-------------|---|-----------------|----------------------|----------------|
| 87          | An Act supplementary to and amendatory of an Act entitled an Act concerning the Insane Asylum of California and to levy a tax therefor, approved April twenty-fifth, eighteen hundred and sixty-three. Hubner .....   | 164             |                      |                |
| 88          | An Act to amend an Act to regulate proceedings in civil cases in the Courts of Justice of this State, approved April twenty-ninth, eighteen hundred and sixty-one. Naphtaly.....  | 164             | 325                  |                |
| 89          | An Act to pay John Muller for services rendered the State of California in reporting and preparing testimony taken in certain swamp land trials held in this State, by an Act of Congress, approved July twenty-third, eighteen hundred and sixty-six. Thurston.....  | 165             |                      |                |
| 90          | An Act to provide for the collection of taxes in Mendocino County. Henley of Mendocino.....   | 165             |                      |                |
| 91          | An Act to legalize the order of the Board of Supervisors of Monterey County incorporating the Town of San Juan. Blankenship.....  | 165             | 389                  |                |
| 92          | An Act regulating the preparation of medical prescriptions and sale of certain drugs. Naphtaly.....   | 127             |                      |                |
| 93          | An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide for the formation of corporations for the accumulation and investment of funds and savings, approved April eleventh, eighteen hundred and sixty-two, approved March thirty-first, eighteen hundred and sixty-six. Ryan..... | 180             | 648                  |                |
| 94          | An Act concerning proceedings in Courts of record in this State. Lambert.....   | 180             |                      |                |
| 95          | An Act to amend an Act concerning the Insane Asylum of California and to levy a tax therefor, approved April twenty-fifth, eighteen hundred and sixty-three. Lambert.   | 180             | 370                  |                |
| 96          | An Act to remit taxes heretofore levied on money at interest, secured by mortgage or otherwise. Fortune.....  | 180             |                      |                |
| 97          | An Act relating to the Home of the Inebriate of San Francisco and to prescribe the powers and duties of the Board of Managers and the officers thereof. Griswold.....   | 180             | 328                  |                |
| 98          | An Act to amend an Act entitled an Act concerning wills, passed April tenth, eighteen hundred and fifty. Romer....  | 180             |                      |                |
| 99          | An Act to grant the right of way for a railroad track within the corporate limits of the City of Vallejo, in the County of Solano, to Edward McGettigan and Henry Connolly, and their associates or assigns. Haile.....   | 180             | 263                  |                |
| 100         | An Act granting to E. A. Mason and his assigns the right to construct and maintain a weir or fishtrap in the Straits of Carquines, in the County of Contra Costa. Carothers.....  | 180             | 813                  |                |
| 101         | An Act to authorize Bridget Stannah, administratrix of the estate of William Stannah, deceased, to sell the real estate belonging to said estate in the City and County of San Francisco, at public or private sale. Rockwell.....  | 180             |                      |                |

| Number..... | T I T L E.   | Introduced..... | Passed Assembly..... | Passed Senate. |
|-------------|--|-----------------|----------------------|----------------|
| 102         | An Act to create a Bridge Fund in the County of Placer and to authorize the levy of a tax therefor. Waldron.....   | 181             | 244                  |                |
| 103         | An Act to repeal an Act entitled an Act for the relief of insolvent debtors and protection of creditors, approved May fourth, eighteen hundred and fifty-two, and all Acts amendatory thereof and supplementary thereto. Koutz....   | 180             |                      |                |
| 104         | An Act concerning corporations for charitable and beneficial purposes. Naphtaly.....   | 181             | 894                  |                |
| 105         | An Act to amend an Act entitled an Act to amend an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty, approved April nineteenth, eighteen hundred and fifty-six. Lambert.....  | 185             |                      |                |
| 106         | An Act to amend section one of an Act entitled an Act to amend an Act entitled an Act to fix the amount of official bonds of county officers in and for the Counties of Klamath and Del Norte, approved March twenty-sixth, one thousand eight hundred and sixty-eight. Murphy of Del Norte..... | 185             | 252                  |                |
| 107         | An Act for the protection of deer in the County of San Mateo. Finney.....  | 185             | 217                  |                |
| 108         | An Act creating the office of Mail and Express Messenger of the Capitol, defining his duties and compensation therefor. McMurry of El Dorado.....  | 186             | 931                  |                |
| 109         | An Act to confer additional powers on the Board of Supervisors of the City and County of San Francisco. G. R. B. Hayes.....  | 186             | 333                  |                |
| 110         | An Act amendatory of an Act defining the rights of husband and wife, passed April seventeenth, eighteen hundred and fifty. Inman.....  | 186             |                      |                |
| 111         | An Act to provide for the construction of a wagon and turn-pike road from a point at or near Ukiah City, in Mendocino County, to a point at or near Cloverdale, in Sonoma County. Henley of Mendocino.....   | 186             | 251                  |                |
| 112         | An Act to regulate fees and salaries of certain officers in the County of Sacramento. Odeil.....   | 186             |                      |                |
| 113         | An Act amendatory of and supplemental to an Act entitled an Act to authorize the Board of Supervisors of the City and County of San Francisco to modify the grades of certain streets, approved March thirtieth, eighteen hundred and sixty-eight. Naphtaly.....                                 | 186             | 266                  |                |
| 114         | An Act for the relief of Alpine County. Johnson.....   | 186             |                      |                |
| 115         | An Act to authorize Michael P. Duffy, Charles W. Scheidel, Theodore A. Coult and Caleb E. Wilcoxon, and their associates and assigns, to construct and maintain a railroad in the City of Marysville, Yuba County, and the Town of Yuba City, Butte County. Merritt.....                         | 186             | 283                  |                |
| 116         | An Act to provide for the relief of the indigent sick of Humboldt County and for their maintenance. De Haven .....   | 190             | 223                  |                |

| Number..... | TITLE.   | Introduced.... | Passed Assembly..... | Passed Senate. |
|-------------|--|----------------|----------------------|----------------|
| 117         | An Act to prevent the loss of floating timbers. King.....  | 191            | 542                  |                |
| 118         | An Act to authorize Lew Gerlock and his associates and assigns to construct and maintain a chute and moorings, at Scott's Landing, on the Pacific Ocean, in Mendocino County, and to collect tolls for the use thereof. Henley of Mendocino...                                     | 191            | 241                  |                |
| 119         | An Act to provide for the improvement of the rivers and streams of Santa Clara County. Murphy of Santa Clara...  | 191            | 469                  |                |
| 120         | An Act to amend an Act entitled an Act to authorize the Board of Supervisors of the several counties of this State to grant the right to construct wharves on the overflowed and submerged lands of this State, approved April eighth, eighteen hundred and fifty-eight. Hihn..... | 191            | 533                  |                |
| 121         | An Act to amend an Act entitled an Act to protect sheep and lambs in this State. Munday.....   | 191            | 326                  |                |
| 122         | An Act to amend an Act entitled an Act defining the legal distances from each county seat to the Capital, Lunatic Asylum and State Prison, approved April twenty-fourth, eighteen hundred and fifty-eight. Lewelling.....  | 191            | 811                  |                |
| 123         | An Act for the relief of James S. Houseman. Naphtaly.....  | 191            | 249                  |                |
| 124         | An Act to prevent the extension of the infectious disease among sheep commonly called the scab. Walden.....  | 191            |                      |                |
| 125         | An Act to authorize Robert McHenry, administrator of the estate of Henry Langworthy, deceased, to sell the real estate of said estate. Walden.....   | 191            |                      |                |
| 126         | An Act to authorize the Waucoma Water Company to construct aqueducts over certain lands therein named and to lay down water pipes in the public streets of the City of San Diego and Town of South San Diego. Robinson.....  | 191            | 315                  |                |
| 127         | An Act to incorporate the San Buenventura Water Company. Escandon.....   | 191            | 334                  |                |
| 128         | An Act to amend section one hundred and twenty-four of the Act of May first, eighteen hundred and fifty-one, entitled an Act to regulate the estates of deceased persons. Shoemaker.....   | 191            | 282                  |                |
| 129         | An Act to regulate an Act entitled an Act supplementary to an Act to prevent the trespassing of animals upon private property, approved March thirty-first, eighteen hundred and fifty-five, approved May seventeenth, eighteen hundred and sixty-one. Fryer.....                  | 191            | 288                  |                |
| 130         | An Act to authorize the County Treasurer of San Bernardino County to transfer certain funds. Satterwhite.....  | 197            | 241                  |                |
| 131         | An Act to authorize James H. Thompson and William Stannus, and their associates, successors and assigns, to build and maintain a wharf at the City of Vallejo, in the County of Solano. Haile.....   | 197            | 534                  |                |
| 132         | An Act to authorize Ed. G. Rhodes, his associates, successors and assigns, to build and maintain a wharf at the foot of Yolo avenue, in the City of Vallejo. Haile.....  | 197            | 636                  |                |

| Number..... | T I T L E.   | Introduced..... | Passed Assembly..... | Passed Senate. |
|-------------|--|-----------------|----------------------|----------------|
| 133         | An Act to authorize Michael S. Derwin, and his associates and assigns, to construct, maintain and use a wharf at the City of Vallejo, in the County of Solano. Haile.....  | 197             | 534                  |                |
| 134         | An Act to grant the right to construct and maintain a wharf at the Town of Vallejo. Haile.....   | 197             |                      |                |
| 135         | An Act to change the principal place of business of the San Justo Homestead Association. Thomas.....   | 198             | 207                  |                |
| 136         | An Act to amend an Act entitled an Act to provide for the construction of the State Capitol in the City of Sacramento, approved March twenty-ninth, eighteen hundred and sixty. Biggs.....                         | 198             |                      |                |
| 137         | An Act amendatory of an Act entitled an Act for the more effectual prevention of cruelty to animals, approved March thirtieth, eighteen hundred and sixty-eight. Naphtaly.....                                     | 198             |                      |                |
| 138         | An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Naphtaly.....                     | 198             |                      |                |
| 139         | An Act to amend an Act entitled an Act to authorize the establishment of a steam ferry between Vallejo and Mare Island, in the County of Solano, approved March second, eighteen hundred and sixty-six. Haile..... | 198             | 673                  |                |
| 140         | An Act to authorize John N. Dudleston and his assigns to construct and maintain a toll road in Mono County. Mooney.....  | 198             | 380                  |                |
| 141         | An Act to authorize the Board of Supervisors of Mono County to transfer moneys from one fund to another. Mooney.....   | 198             | 267                  |                |
| 142         | An Act authorizing the Board of Supervisors of Mono County to levy a special tax for a Contingent Fund. Mooney.....  | 198             | 283                  |                |
| 143         | An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. McMillan.....                     | 209             | 328                  |                |
| 144         | An Act to locate the county seat of Lake County. Crigler.....  | 209             | 490                  |                |
| 145         | An Act to amend an Act entitled an Act to regulate fees of officers, approved March twenty-eighth, eighteen hundred and sixty-eight. Stephens.....   | 209             |                      |                |
| 146         | An Act amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one. G. R. B. Hayes.....              | 209             | 502                  |                |
| 147         | An Act to authorize Morton Bourn to construct and maintain a wharf and chute at Bourn's Landing, on the Pacific Ocean, in Mendocino County. Henley.....  | 210             | 251                  |                |
| 148         | An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer thereof. Ryan.....  | 210             | 350                  |                |

| Number..... | T I T L E.  | Introduced ..... | Passed Assembly..... | Passed Senate. |
|-------------|---|------------------|----------------------|----------------|
| 149         | An Act to authorize W. S. Chaffee, Marcus Harloe, Victor Ustriansleque, Frank Molleda and José De Arnoz to build a wharf and railroad track at San Buenaventura, in the County of Santa Barbara. Escandon .....   | 210              | 503                  |                |
| 150         | An Act to amend an Act entitled an Act to provide for the appointment of Notaries Public and define their duties. Hudson .....  | 210              | 288                  |                |
| 151         | An Act empowering the Board of Education of the City and County of San Francisco to pay the claim of W. Craine. Rockwell.....   | 210              | 350                  |                |
| 152         | An Act for the relief of Patrick Creighton, James Brennan and Patrick Donoghue. Rockwell.....   | 210              | 309                  |                |
| 153         | An Act entitled an Act relating to the Board of Education of the City and County of San Francisco. Rockwell .....   | 210              | 315                  |                |
| 154         | An Act to ratify and confirm certain ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco, and proceedings had thereon. Naph-taly.....  | 210              | 490                  |                |
| 155         | An Act to amend an Act to separate the office of County Recorder from that of County Clerk in the County of Alameda, and to provide for the election of a County Recorder therein, approved March thirtieth, eighteen hundred and sixty-eight. Inman..... | 210              | 290                  |                |
| 156         | An Act to authorize the construction and maintenance of a wagon road between Indian Valley and Sierra Valley, in the County of Plumas. Lambert.....   | 210              | 283                  |                |
| 157         | An Act to authorize the Board of Supervisors of Fresno County to borrow certain moneys from the Swamp Land Fund. Appling.....   | 210              |                      |                |
| 158         | An Act in relation to the assessment of property in Tuolumne County for the year A. D. eighteen hundred and sixty-nine. Eichelroth.....   | 215              | 215                  |                |
| 159         | An Act to protect and encourage the production and sale of pure and wholesome milk, and to prohibit and punish the production and sale of unwholesome and adulterated milk. Griswold.....   | 215              | 462                  |                |
| 160         | An Act to protect the people of California from the evils of Asiatic Immigration. Miller of El Dorado.....  | 215              | 594                  |                |
| 161         | An Act to amend an Act entitled an Act concerning the Insane Asylum of the State of California and to levy a tax therefor, approved April twenty-fifth, eighteen hundred and sixty-three. Eichelroth.....   | 215              |                      |                |
| 162         | An Act to authorize E. J. Brickell, and his associates and assigns, to improve the channel of the Truckee River from its source to the Town of Truckee, and to erect floodgates therein and to collect tolls. King.....                                   | 215              | 335                  |                |
| 163         | An Act to repeal an Act entitled an Act concerning hogs found running at large in the Counties of Colusa, Tehama, Butte,  |                  |                      |                |

| Number..... | T I T L E.  | Introduced..... | Passed Assembly..... | Passed Senate. |
|-------------|---|-----------------|----------------------|----------------|
|             | Sonoma and Napa, approved March twenty-sixth, eighteen hundred and fifty-seven, so far as said Act applies to the Counties of Colusa and Tehama. Scarce.....  | 215             | 244                  |                |
| 164         | An Act to amend an Act entitled an Act to regulate the settlement of the estate of deceased persons, passed May first, eighteen hundred and fifty-one, and the various Acts amendatory of and supplementary to it. Naphtaly.....            | 215             | 399                  |                |
| 165         | An Act to establish pilot regulations for the ports of San Francisco, Mare Island, Vallejo and Benicia. Rockwell...   | 222             |                      |                |
| 166         | An Act for the relief of Samuel Clayton. Horan .....  | 222             | 310                  |                |
| 167         | An Act to amend an Act entitled an Act to incorporate the City of Vallejo, approved March thirtieth, eighteen hundred and sixty-eight. Haile.....   | 222             | 675                  |                |
| 168         | An Act to amend an Act entitled an Act to exempt the homestead and other property from forced sale in certain cases, approved April twenty-first, eighteen hundred and fifty-one. Satterwhite .....   | 222             | 502                  |                |
| 169         | An Act to create the County of San Benito, to define its boundaries and provide for its organization. Blankenship.....  | 222             | 432                  |                |
| 170         | An Act to authorize the Governor of the State of California to appoint three additional Notaries Public for the County of Santa Clara. Murphy of Santa Clara.....   | 222             | 311                  |                |
| 171         | An Act for the relief of John Cartheche, Deputy Sheriff of El Dorado County. Gildea.....  | 223             | 335                  |                |
| 172         | An Act to amend an Act entitled an Act prescribing rules for the government of the State Library, approved March eighth, eighteen hundred and sixty-one. Satterwhite. ...   | 230             |                      |                |
| 173         | An Act amending an Act to authorize District Judges in certain cases to sign records and settle statements, passed April twelfth, eighteen hundred and fifty-nine. Martin of Butte .....  | 230             |                      |                |
| 174         | An Act to amend section six hundred and twenty-seven of an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one. McMurphy of El Dorado ..  | 230             |                      |                |
| 175         | An Act to amend section five hundred and forty of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one. McMurphy of El Dorado... | 230             |                      |                |
| 176         | An Act to authorize the Board of Trustees of the Vallejo School District, in the County of Solano, to borrow money for school purposes. Haile.....  | 230             | 332                  |                |
| 177         | An Act to establish and define the powers of the Board of Education of the City of Vallejo. Haile.....  | 230             | 389                  |                |
| 178         | An Act to ratify and confirm a certain ordinance of the City and County of San Francisco and proceedings thereunder. Naphtaly .....   | 230             | 638                  |                |

| Number..... | T I T L E.  | Introduced ..... | Passed Assem-<br>bly..... | Passed Senate. |
|-------------|---|------------------|---------------------------|----------------|
| 179         | An Act to provide for the revision of the laws of the State of California. Henley of Sonoma.....  | 231              |                           |                |
| 180         | An Act to authorize the Board of Supervisors of Sutter County to issue bonds for road purposes. Berry.....  | 231              | 280                       |                |
| 181         | An Act for the relief of the District Collectors of Revenue Districts One, Two, Three and Four, in Tuolumne County. Eichelroth.....   | 235              | 320                       |                |
| 182         | An Act to authorize the Controller of State to credit the Treasurer of Tuolumne County with certain State poll tax receipts. Eichelroth .....   | 235              | 290                       |                |
| 183         | An Act for the improvement of the American River and its branches and to regulate the floating of timber therein. Odell.....  | 235              |                           |                |
| 184         | An Act to prevent forest and field conflagrations. Hihn.....  | 235              |                           |                |
| 185         | An Act to amend an Act entitled an Act concerning Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three. Hihn.....  | 235              |                           |                |
| 186         | An Act to authorize the construction of a wharf in the County of San Luis Obispo. Escandon.....   | 235              |                           |                |
| 187         | An Act concerning the office of the County Clerk of the City and County of San Francisco. Naphtaly.....   | 235              | 335                       |                |
| 188         | An Act granting leave of absence to Richard G. Watkins, District Attorney of Mono County. Mooney.....   | 240              | 283                       |                |
| 189         | An Act to provide for a street railroad in the City and County of San Francisco. Fortune.....   | 240              | 389                       |                |
| 190         | An Act to amend an Act entitled an Act to authorize the Board of Supervisors of Trinity County to levy a special tax, approved April second, eighteen hundred and sixty-six. McMurry of Trinity.....                          | 240              | 283                       |                |
| 191         | An Act for the relief of John W. Ball. Munday.....  | 240              | 290                       |                |
| 192         | An Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public and defining their duties, approved April twenty-fifth, eighteen hundred and sixty-two. Stephens.....                        | 240              |                           |                |
| 193         | An Act to provide for the selection and condemnation of a site for a City and County Hospital for the City and County of Sacramento. Horan.....   | 240              |                           |                |
| 194         | An Act to authorize James Shipman, Henry A. Carter and Thomas M. Howell, their associates and assigns, to construct a railroad from Ione City, in Amador County, to a point at or near Galt, in Sacramento County. Brown..... | 240              | 733                       |                |
| 195         | An Act to appropriate money for the support and maintenance of the San Francisco Female Hospital. Romer.....  | 240              |                           |                |
| 196         | An Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals upon private  |                  |                           |                |

| Number..... | T I T L E.   | Introduced ..... | Passed Assem-<br>bly..... | Passed Senate. |
|-------------|--|------------------|---------------------------|----------------|
|             | property, approved March twenty-sixth, A. D. eighteen hundred and sixty-six. Escandon.....   | 240              | 432                       |                |
| 197         | An Act to amend an Act entitled an Act amendatory of article fourth of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six, repealing sections thirty-six to sixty-four, inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substitute this Act for said article four, approved April twenty-fifth, eighteen hundred and sixty-two. Hayes..... | 241              |                           |                |
| 198         | An Act amendatory of an Act supplementary to an Act entitled an Act to authorize the incorporation of canal companies and the construction of canals, approved May fourteenth, eighteen hundred and sixty-two. Martin of Butte..   | 241              |                           |                |
| 199         | An Act concerning the election of Physicians and Managers for the State Insane Asylum. Berry .....   | 241              |                           |                |
| 200         | An Act to authorize Robert Allison, Joel F. Hills, Abraham Klauber, Samuel Steiner, L. N. English and A. B. McKean to construct and maintain a wharf in front of pueblo lot number one thousand one hundred and sixty-three, in South San Diego, in the County of San Diego. Robinson.   | 241              |                           |                |
| 201         | An Act authorizing the construction of a wharf in the County of San Diego. Robinson.....   | 241              | 636                       |                |
| 202         | An Act to improve the Stanislaus River for rafting logs, lumber, cordwood and fencing material. Walden.....  | 241              |                           |                |
| 203         | An Act to repeal an Act entitled an Act to amend section eighteen of an Act to establish and maintain public pounds for the better securing of estrays and other stock in the County of Alameda, approved March thirty-first, eighteen hundred and sixty-six. Inman.....   | 241              | 290                       |                |
| 204         | An Act to amend an Act, approved March twelfth, eighteen hundred and sixty-eight, entitled an Act to provide for the drainage of the City of Sacramento and of the lands of Swamp Land District Number Two. Duffy.....   | 247              | 310                       |                |
| 205         | An Act creating a Branch Insane Asylum of California. Merritt.....   | 247              |                           |                |
| 206         | An Act to legalize and make valid the election of certain officers and to prescribe their duties, in and for the County of Alameda. Brown.....   | 247              | 311                       |                |
| 207         | An Act to create the County of Donner, to define its boundaries and to provide for its organization and maintenance. King.....   | 247              |                           |                |
| 208         | An Act to authorize B. J. Osborne, and others with whom he may associate, to build a wharf in the County of Solano. Haile .....  | 247              | 636                       |                |
| 209         | An Act to authorize the Board of Supervisors of Butte County to issue a warrant to W. S. Reese. Martin of Butte.....   | 247              | 467                       |                |



| Number..... | TITLE.  | Introduced .... | Passed Assembly..... | Passed Senate. |
|-------------|---|-----------------|----------------------|----------------|
| 210         | An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco. M. Hayes.....  | 247             | 333                  |                |
| 211         | An Act amendatory of and supplemental to an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three, and the Acts amendatory thereof and supplemental thereto. Naphtaly.....   | 248             | 380                  |                |
| 212         | An Act to amend section four of an Act entitled an Act to provide for the licensing of auctioneers and to define their duties and liabilities. Henley of Sonoma.....  | 247             | 380                  |                |
| 213         | An Act amendatory of an Act entitled an Act supplementary to an Act entitled an Act concerning hogs found running at large in the Counties of Marin, Sacramento, San Francisco, Alameda, Stanislaus, Yuba and Santa Clara, approved May seventeenth, one thousand eight hundred and sixty-one. Murphy of Del Norte..... | 257             | 469                  |                |
| 214         | An Act to establish the California State Board of Immigration, to prescribe its duties and to provide means for the performance thereof. Doss. ....   | 257             |                      |                |
| 215         | An Act to legalize certain conveyances made by Gretta C. Thompson. Inman. ....  | 257             | 345                  |                |
| 216         | An Act more fully defining the crime of larceny. Lambert.. ..   | 257             | 328                  |                |
| 217         | An Act to provide for the improvement of the navigation of Russian River and to declare the same a navigable stream. Hudson.....  | 257             | 400                  |                |
| 218         | An Act to amend an Act entitled an Act to authorize the formation of corporations to provide the members thereof with homesteads or lots of land suitable for homesteads, approved May twentieth, eighteen hundred and sixty-one. Ryan.....   | 257             | 648                  |                |
| 219         | An Act to ratify certain acts and ordinances of the Mayor and Common Council of the City of Los Angeles. Fryer.....   | 257             | 673                  |                |
| 220         | An Act amendatory of and supplementary to an Act entitled an Act to provide for the revision and compilation of the laws of the State of California and the publication thereof, approved March twenty-eighth, eighteen hundred and sixty-eight. McMurry of Trinity.....  | 264             |                      |                |
| 221         | An Act for the relief of W. Dana Perkins. Waldron.....  | 265             | 300                  |                |
| 222         | An Act to provide for the prevention of double taxation of real estate. Fortune.....  | 265             |                      |                |
| 223         | An Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved April twenty-ninth, eighteen hundred and fifty-seven, approved March eighteenth, eighteen hundred and sixty-two. Hibn.  | 265             |                      |                |
| 224         | An Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May seventeenth, eighteen hundred and sixty-one. Hibn.....  | 265             |                      |                |

| Number..... | TITLE.  | Introduced..... | Passed Assembly..... | Passed Senate. |
|-------------|---|-----------------|----------------------|----------------|
| 225         | An Act to encourage the production and manufacture of sugar from sugar beets in California. Freeman.....  | 266             |                      |                |
| 226         | An Act to legalize the name of Lake Bigler. King.....   | 266             | 310                  |                |
| 227         | An Act to prevent the improper use and display of weapons. Rockwell .....   | 266             |                      |                |
| 228         | An Act to grant to certain persons the right of way for a railroad track within the corporate limits of the City and County of San Francisco and to run horse cars thereon. Romer .....   | 266             |                      |                |
| 229         | An Act to legalize the survey of Clark's addition to the Town of Eureka. De Haven.....  | 266             | 675                  |                |
| 230         | An Act to fix the amount of the official bond of the Sheriff of Calaveras County. Green.....  | 266             | 335                  |                |
| 231         | An Act to district the County of San Diego and to provide for the election of Supervisors. Robinson.....  | 266             | 635                  |                |
| 232         | An Act granting the right to construct and maintain a public toll bridge across the Colorado River, below the junction of that stream with the Gila River, to certain parties, their associates or assigns, therein named. Robinson.....  | 266             | 636                  |                |
| 233         | An Act to fix the terms of the County Court and Probate Court of the County of Monterey. Blankenship.....   | 266             | 311                  |                |
| 234         | An Act to provide for the settlement of statements on appeal and on motion to set aside reports of Commissioners in certain cases. Henley of Sonoma.....  | 266             | 388                  |                |
| 235         | An Act to amend an Act entitled an Act concerning conveyances, passed April sixteenth, eighteen hundred and fifty, and the Act amendatory thereto, passed February fifteenth, eighteen hundred and sixty-four, approved April second, eighteen hundred and sixty-six. Naphtaly.....                                     | 266             | 399                  |                |
| 236         | An Act relating to the inspection of steam boilers and for the better protection of life and property against accidents by steam boilers exploding. G. R. B. Hayes.....   | 270             |                      |                |
| 237         | An Act legalizing the assessment and levy of taxes for reclamation purposes in Swamp Land District Number Seventy-seven, in the County of Colusa. Scarce.....   | 270             | 465                  |                |
| 238         | An Act to legalize assessments of State and county taxes in the several townships of El Dorado County. McMurry of El Dorado.....  | 270             | 292                  |                |
| 239         | An Act to promote the study of anatomy. Haile.....  | 270             | 469                  |                |
| 240         | An Act to authorize and empower John Dolbero, W. Carson, David K. Jones and Hans W. Breher, or their assigns, to construct and maintain dams, booms and piers on Elk River, in Humboldt County, and to remove all obstructions in the channel of said river which may interfere with logging on the same. Moynihan..... | 270             |                      |                |
| 241         | An Act supplementary to and explanatory of an Act entitled  |                 |                      |                |

| Number..... | T I T L E .  | Introduced.... | Passed Assem-<br>bly..... | Passed Senate. |
|-------------|--|----------------|---------------------------|----------------|
|             | an Act to amend an Act entitled an Act to provide revenue for the support of the government of this State, approved May twentieth, eighteen hundred and sixty-one, approved March thirtieth, eighteen hundred and sixty-eight. Moy-nihan.....  | 270            |                           |                |
| 242         | An Act to incorporate the City of Monterey. Blankenship.....   | 271            | 454                       |                |
| 243         | An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplemental thereto. Newell.....   | 271            | 296                       |                |
| 244         | An Act authorizing the Board of Supervisors of the City and County of San Francisco to provide plans for a proper system of grades and sewers. M. Hayes.....   | 271            | 468                       |                |
| 245         | An Act to regulate fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto. Martin of Butte.....   | 275            | 447                       |                |
| 246         | An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several Acts amendatory thereof and supplementary thereto, approved April twenty-seventh, eighteen hundred and sixty-three. Naphtaly..... | 275            |                           |                |
| 247         | An Act relating to fire and marine insurance companies. Moy-nihan.....   | 275            |                           |                |
| 248         | An Act to authorize the construction of a wharf at Vallejo, Solano County, at the foot of Maryland street. Haile.....  | 281            | 637                       |                |
| 249         | An Act to authorize the construction of a wharf at Vallejo, Solano County. Haile.....  | 281            |                           |                |
| 250         | An Act to authorize George C. Ryckman and his associates to build and maintain a wharf at Capitol street, City of Vallejo, in Solano County. Haile.....  | 281            |                           |                |
| 251         | An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies, the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one. Stephens.....  | 281            |                           |                |
| 252         | An Act concerning roads and highways in San Bernardino County. Satterwhite.....  | 281            | 333                       |                |
| 253         | An Act to authorize the Board of Supervisors of Sonoma County to transfer certain money from the General Fund to the Road Fund. Henley of Sonoma.....  | 288            | 334                       |                |
| 254         | An Act to pay the expense necessarily incurred in suppressing Indian hostilities in the Counties of Humboldt and Trinity, in the years eighteen hundred and sixty-eight and eighteen hundred and sixty-nine. McMurphy of Trinity.....  | 288            | 462                       |                |
| 255         | An Act to amend an Act entitled an Act to provide for the erection of county buildings in the County of Lake and other   |                |                           |                |

| Number..... | TITLE.   | Introduced ..... | Passed Assembly..... | Passed Senate. |
|-------------|--|------------------|----------------------|----------------|
|             | matters in relation thereto, approved March twenty-fourth, eighteen hundred and sixty-eight. Crigler.....  | 288              | 350                  |                |
| 256         | An Act to authorize the Board of Supervisors of the County of San Joaquin to donate one hundred thousand dollars to the Stockton and Copperopolis Railroad Company and to provide for the payment of the same, and other matters relating thereto. Hubner.....                   | 288              | 637                  |                |
| 257         | An Act to amend an Act entitled an Act concerning crimes and punishments, approved April sixteenth, eighteen hundred and fifty. Martin of Butte.....   | 288              | 400                  |                |
| 258         | An Act authorizing Rodman Gibbons, and his associates and assigns, to construct and operate a street railroad in the County of Alameda. Inman .....  | 288              | 636                  |                |
| 259         | An Act to repeal section five hundred and nine of an Act to regulate proceedings in civil cases in the Courts of justice in this State, passed April twenty-ninth, eighteen hundred and fifty-one, and the several amendments thereto. Lambert.....                              | 499              |                      |                |
| 260         | An Act relative to the quartz mines of the State of California and to protect the miners employed therein. Oates .....   | 299              | 624                  |                |
| 261         | An Act providing for the insane of California. Biggs.....  | 299              |                      |                |
| 262         | An Act to confer additional powers upon the Board of Supervisors of the City and County of San Francisco and upon the Auditor and Treasurer thereof, and to authorize certain appropriations by said Board. McMillan.....  | 299              | 350                  |                |
| 263         | An Act for the relief of certain settlers on the outside lands of the City and County of San Francisco. McMillan.....  | 299              | 492                  |                |
| 264         | An Act to authorize the County of Santa Cruz to aid in the construction of railroads and other roads in said county, and for other purposes pertaining thereto. Hihn.....  | 299              | 637                  |                |
| 265         | An Act to fix the rate of fares and freights on railroads, and other matters relating thereto. Gildea.....   | 299              | 805                  |                |
| 266         | An Act to authorize Joseph J. Mannasse and Marcus Schiller, and their associates, to build, maintain and use a wharf on the southwesterly line of pueblo lot number one thousand one hundred and fifty-seven, in San Diego, in the County of San Diego. Robinson .....           | 299              | 637                  |                |
| 267         | An Act to authorize W. W. Fowler, George J. Hooper, and their associates and assigns, to lay down gas pipes in the City of San Diego. Robinson.....  | 300              | 380                  |                |
| 268         | An Act in relation to the delinquent taxes on moneys and interest, secured by mortgage or otherwise. Hihn .....  | 300              |                      |                |
| 269         | An Act to amend an Act entitled an Act to amend an Act entitled an Act amendatory of and supplementary to an Act for the preservation of trout, approved March twenty-seventh, eighteen hundred and sixty-two, approved March second, eighteen hundred and sixty-six. Hihn ..... | 300              |                      |                |

## ASSEMBLY BILLS.

[See Assembly Journal.]

| Number..... | TITLE.   | Introduced..... | Passed Assem-<br>bly..... | Passed Senate. |
|-------------|--|-----------------|---------------------------|----------------|
| 270         | An Act to authorize certain parties to build a turnpike road from the Town of Truckee, in Nevada County, to Tahoe City, at Lake Bigler, in the County of Placer. King.....   | 300             |                           |                |
| 271         | An Act to divide the County of Colusa into assessment districts, for the election of District Assessors and to define their duties, liabilities and compensation. Scarce.....  | 300             | 722                       |                |
| 272         | An Act in relation to the water front in the City and County of San Francisco. McMillan.....   | 300             |                           |                |
| 273         | An Act to authorize the construction of a turnpike road from the Town of Truckee, in Nevada County, to the Hot Springs and State line, at the northeasterly end of Lake Bigler, in the County of Placer. Hawley..... | 300             | 401                       |                |
| 274         | An Act to enforce the collection of taxes levied or assessed upon money loaned and secured by mortgages upon real or personal property. Henley of Sonoma.....  | 300             |                           |                |
| 275         | An Act concerning corporations. Henley of Sonoma.....  | 300             |                           |                |
| 276         | An Act to provide for the appointment of an agent to procure patents for lands granted to the State, and to arrange other matters pertaining to State lands. Hihn.....   | 307             |                           |                |
| 277         | An Act for the better protection of farmers in certain portions of San Diego County. Robinson.....   | 307             |                           |                |
| 278         | An Act to authorize certain citizens of San Diego City to construct and maintain a turnpike road from the City of San Diego to Fort Yuma, in the County of San Diego. Robinson.....                                  | 307             |                           |                |
| 279         | An Act to legalize and provide for the collection of delinquent taxes in San Diego County. Robinson.....   | 307             |                           |                |
| 280         | An Act to authorize the incorporation of yacht clubs. G. R. B. Hayes.....  | 307             | 350                       |                |
| 281         | An Act granting leave of absence from the State to D. B. Spagnoli, County Clerk of Amador County. Brown of Amador.....   | 307             | 335                       |                |
| 282         | An Act concerning certain ordinances of the Board of Supervisors of the City and County of San Francisco, and other matters. M. Hayes.....   | 307             | 675                       |                |
| 283         | An Act to regulate the salaries and fix the compensation of certain county officers in the County of Amador Slicer...  | 307             | 473                       |                |
| 284         | An Act to amend section twenty-eight of an Act to regulate proceedings in civil cases in the Courts of justice of this State. Crigler.....   | 307             |                           |                |
| 285         | An Act for the support and maintenance of the non-resident and indigent sick of Los Angeles County. Fryer.....   | 308             |                           |                |
| 286         | An Act to amend an Act entitled an Act concerning attorneys and counsellors at law, approved February nineteenth, one thousand eight hundred and fifty-one. Naphtaly.....  | 309             | 401                       |                |

## ASSEMBLY BILLS.

[See Assembly Journal.]

| Number..... | TITLE.   | Introduced ..... | Passed Assembly..... | Passed Senate. |
|-------------|--|------------------|----------------------|----------------|
| 287         | An Act to encourage the immigration of Scandinavian farmers to California. McMillan.....   | 309              |                      |                |
| 288         | An Act for the relief of J. L. Rigg, Tax Collector of Del Norte County. Murphy of Del Norte.....   | 316              | 555                  |                |
| 289         | An Act to create the County of Anaheim, to define its boundaries and to provide for its organization and financial affairs. Fryer.....   | 316              | 481                  |                |
| 290         | An Act amending the State Constitution. Johnson .....  | 316              | 893                  |                |
| 291         | An Act amendatory of and supplementary to an Act to incorporate the City of Nevada, approved April nineteenth, one thousand eight hundred and fifty-six. Oates.....  | 316              | 401                  |                |
| 292         | An Act to authorize the Trustees of the City of Benicia to re-fund the debt of said city. Haile.....   | 316              | 401                  |                |
| 293         | An Act to provide for deficiency in the State Insane Asylum Fund. Committee of Ways and Means.....   | 318              | 319                  |                |
| 294         | An Act to authorize and empower Joshua A. Neal to sell and convey all the interest, property and estate of Maria and Josefa Neal, minor children of said Joshua and Bernal Neal, in certain lands in Alameda County. Iuman.....  | 323              | 637                  |                |
| 295         | An Act to provide for the collection of municipal licenses in the City and County of San Francisco. Rockwell.....  | 325              | 902                  |                |
| 296         | An Act to provide for the redemption of and prescribing the manner of redeeming the outstanding county warrants drawn upon the Treasurer of Tuolumne County, and further to provide for the payment of the current expenses of said Tuolumne County in cash. Eichelroth..... | 323              |                      |                |
| 297         | An Act to authorize the Treasurer of Tuolumne County to pay certain outstanding warrants against said county. Eichelroth.....  | 323              | 323                  |                |
| 298         | An Act to divide the State into congressional districts. Henley of Sonoma.....   | 325              |                      |                |
| 299         | An Act amendatory of and supplementary to an Act entitled an Act relating to fire and marine insurance companies, approved April second, eighteen hundred and sixty-six. Satterwhite.....  | 324              | 834                  |                |
| 300         | An Act to authorize Joseph Clark, R. W. Apperson, George Treat, George D. Roberts and William H. Clary, their associates and assigns, to construct gas works and lay down gas pipes in the City of San Francisco. M. Hayes...  | 323              |                      |                |
| 301         | An Act to authorize the County of Tehama to give its bonds to the California Pacific Railroad Company, a corporation organized and working by and under the general railroad laws of this State, and to provide for the payment of said bonds. Scarce.....                   | 325              |                      |                |
| 302         | An Act to amend an Act entitled an Act to separate the office of County Recorder from that of County Clerk, in the County of Alameda, and to provide for the election of a   |                  |                      |                |

## ASSEMBLY BILLS.

[See Assembly Journal.]

| Number..... | TITLE.   | Introduced..... | Passed Assem-<br>bly..... | Passed Senate. |
|-------------|--|-----------------|---------------------------|----------------|
|             | County Recorder therein, approved March thirtieth, eighteen hundred and sixty-eight. Inman.....  | 325             | 325                       |                |
| 303         | An Act to amend the Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one, and Acts amendatory thereof. Blankenship.....                          | 325             | 401                       |                |
| 304         | An Act for the relief of Richard Long. G. R. B. Hayes.....   | 325             |                           |                |
| 305         | An Act to authorize the County of Monterey to aid in the construction of a railroad within its limits, and for purposes pertaining thereto. Blankenship.....   | 325             |                           |                |
| 306         | An Act concerning the funded debt of San Bernardino County. Satterwhite.....   | 325             | 325                       |                |
| 307         | An Act to authorize the County of Colusa to give its bonds to the California Pacific Railroad Company, a corporation organized and working by and under the general railroad laws of this State, and to provide for the payment of said bonds. Scarce..... | 325             |                           |                |
| 308         | An Act to regulate tariffs and charges on telegraph lines in this State. Horan.....  | 325             |                           |                |
| 309         | An Act to authorize the State Treasurer to surrender certain bonds. King.....  | 327             | 624                       |                |
| 310         | An Act to establish a Morgue for the City and County of San Francisco. Naphtaly.....   | 334             | 674                       |                |
| 311         | An Act to amend an Act entitled an Act concerning Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-seven. Martin of Butte.....  | 334             | 400                       |                |
| 312         | An Act to amend section thirty-six of an Act entitled an Act to provide revenue for the support of the government of this State, passed February twenty-fifth, eighteen hundred and fifty. Blankenship.....  | 334             |                           |                |
| 313         | An Act to authorize the Odd Fellows' Cemetery Association of San Francisco to borrow money for certain purposes, and to secure the same by mortgage upon real estate. Naphtaly.....  | 334             | 374                       |                |
| 314         | An Act to regulate the time for commencing assessments in Kern County. Doss.....   | 333             |                           |                |
| 315         | An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one. Naphtaly.....  | 334             |                           |                |
| 316         | An Act supplementary to an Act entitled an Act concerning crimes and punishments, passed April sixteenth, eighteen hundred and fifty. Naphtaly.....  | 334             | 609                       |                |
| 317         | An Act to authorize the Board of Supervisors of the County of Sutter to enter upon, condemn and take possession of a certain tract of land in said county, to be used as a public graveyard. Berry.....  | 334             | 352                       |                |

| Number..... | TITLE.   | Introduced..... | Passed Assembly..... | Passed Senate. |
|-------------|--|-----------------|----------------------|----------------|
| 318         | An Act to authorize C. A. Miles, W. S. Greenwood, C. E. Baldwin and G. S. Morton, and their assigns, to construct and maintain a wharf, chute and flume at or near the mouth of Greenwood Creek, and to charge and collect tolls for the use of the same. Henley of Mendocino.....   | 336             | 453                  |                |
| 319         | An Act to amend an Act to cede certain property to the Town of Crescent City. Murphy of Del Norte.....   | 336             | 352                  |                |
| 320         | An Act to provide for the building of a bridge across Putah Creek, in Napa County, and to authorize the Supervisors of Napa County to levy a special tax for that purpose. Crigler.....  | 336             | 401                  |                |
| 321         | An Act to except the County of Los Angeles from so much of the provisions of sections seventeen and eighteen of an Act entitled an Act to regulate fees in office, approved March twenty-eighth, eighteen hundred and sixty-eight, as requires the payment of fees to jurors and witnesses in criminal cases. Coronel.....     | 336             |                      |                |
| 322         | An Act to repeal an Act entitled an Act authorizing the Board of Supervisors of Plumas County to take and subscribe to the capital stock of the Oroville and Virginia City Railroad Company, and to provide for the payment thereof. Lambert.....  | 342             | 391                  |                |
| 323         | An Act to amend an Act entitled an Act concerning roads and highways in the County of Mendocino. Henley of Mendocino.....  | 342             | 350                  |                |
| 324         | An Act concerning estrays and animals found running at large in the County of Santa Cruz. Hihn.....  | 343             | 469                  |                |
| 325         | An Act amending an Act entitled an Act to provide for establishing, maintaining and protecting public and private roads in the County of Contra Costa. Carothers.....  | 342             | 469                  |                |
| 326         | An Act to legalize the assessment of taxes in the County of Contra Costa for the fiscal years eighteen hundred and sixty-six, eighteen hundred and sixty-seven, eighteen hundred and sixty-eight and eighteen hundred and sixty-nine. Carothers.....   | 343             | 635                  |                |
| 327         | An Act to authorize the Board of Supervisors of the City and County of San Francisco to open and grade Market street, in said city, from the intersection of said street with Valencia street to its intersection with Seventeenth street, and to condemn private property for the roadway of said street. G. R. B. Hayes..... | 344             |                      |                |
| 328         | An Act providing for the drainage and reclamation of certain lands and for navigation between certain places. Doss.....  | 344             |                      |                |
| 329         | An Act to amend an Act entitled an Act to protect agriculture and prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six. Walden.....   | 344             |                      |                |
| 330         | An Act to amend an Act restricting the herding of sheep to certain pastures in the Counties of Sonoma and Marin, approved April twenty-first, eighteen hundred and fifty-  |                 |                      |                |



## ASSEMBLY BILLS.

[See Assembly Journal.]

| Number..... | T I T L E .   | Introduced .... | Passed Assembly..... | Passed Senate. |
|-------------|---|-----------------|----------------------|----------------|
|             | seven, and the Act amendatory thereof, approved April twenty-eighth, eighteen hundred and sixty. Andrews.....   | 344             | 432                  |                |
| 331         | An Act supplementary to an Act concerning crimes and punishments, approved April sixteenth, eighteen hundred and fifty. Griswold.....   | 344             | 504                  |                |
| 332         | An Act in relation to delinquent taxes in the County of Alpine. Johnson.....  | 344             | 462                  |                |
| 333         | An Act to exempt certain real and personal property within the corporate limits of the City of Marysville, in the County of Yuba, from taxation for city purposes. McClaskey.....   | 344             |                      |                |
| 334         | An Act to amend an Act concerning corporations. Henley of Mendocino.....  | 352             | 621                  |                |
| 335         | An Act for the appointment of two additional Notaries Public in the County of Solano. Haile.....  | 352             | 400                  |                |
| 336         | An Act to legalize the acts and proceedings of the Mayor and Common Council of the City of Sonoma. Munday.....  | 359             | 556                  |                |
| 337         | An Act authorizing the Board of Supervisors of San Mateo County to appropriate certain moneys for the relief of Chas. H. Lincoln. Hihn.....   | 359             |                      |                |
| 338         | An Act to provide for the erection of a jail in Del Norte County. Murphy of Del Norte.....  | 359             | 401                  |                |
| 339         | An Act to create a Board of Levee and Street Trustees in and for the Town of Pacheco, Contra Costa County, and define their powers and duties. Carothers.....   | 359             | 638                  |                |
| 340         | An Act for the preservation of trout in the Counties of Santa Clara, Santa Cruz, San Mateo, Monterey, Alameda, Marin, Sonoma, Placer and Nevada. Lewelling.....   | 358             | 636                  |                |
| 341         | An Act to amend an Act entitled an Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State approved May seventeenth, eighteen hundred and sixty-one, approved March thirtieth, eighteen hundred and sixty-eight. Henley of Mendocino.....  | 358             | 808                  |                |
| 342         | An Act authorizing the Board of Supervisors of Amador County to audit and allow the claim of James Carroll. Brown of Amador.....  | 358             | 401                  |                |
| 343         | An Act to improve Owens River for rafting logs, lumber and cordwood. Mooney.....  | 359             |                      |                |
| 344         | An Act to provide for the manner of auditing claims against Humboldt County and to provide for the reduction of taxation therein and expenses thereof. De Haven.....  | 360             | 489                  |                |
| 345         | An Act to authorize the San Diego and Gila Southern Pacific and Atlantic Railroad Company, and its assigns, to construct, maintain and use a wharf or wharves in front of pueblo lots number one thousand one hundred and sixty-three and one thousand one hundred and sixty-four, at South San Diego, in the County of San Diego. Robinson.. | 360             | 637                  |                |

## ASSEMBLY BILLS.

[See Assembly Journal.]

| Number..... | T I T L E .   | Introduced .... | Passed Assem-<br>bly ..... | Passed Senate. |
|-------------|---|-----------------|----------------------------|----------------|
| 346         | An Act to grant further powers to the Board of Trustees of the City of San Diego and establish the boundaries of the said city. Robinson.....   | 360             | 484                        |                |
| 347         | An Act to ratify and confirm ordinances and resolutions of the Board of Supervisors of the City and County of San Francisco and proceedings had thereunder. Naphtaly.....   | 360             | 768                        |                |
| 348         | An Act to provide for the collection of taxes in the County of Amador. Brown of Amador.....   | 360             |                            |                |
| 349         | An Act to provide for the building of a bridge and roadway across the estuary of San Antonio, in the County of Alameda. Lewelling.....  | 360             | 559                        |                |
| 350         | An Act authorizing the condemnation of private property within the limits of the public streets of the City and County of San Francisco, within the Laguna survey. Rogers.....  | 360             | 454                        |                |
| 351         | An Act to amend an Act entitled an Act to provide for the formation of corporations for certain purposes, approved April fourteenth, eighteen hundred and fifty-three. King.  | 364             |                            |                |
| 352         | An Act to amend an Act entitled an Act to regulate proceedings in criminal cases, passed May first, eighteen hundred and fifty-one. McMurphy of El Dorado.....  | 370             | 903                        |                |
| 353         | An Act granting certain privileges to the Potrero and Bay View Railroad Company. M. Hayes.....  | 370             | 637                        |                |
| 354         | An Act to authorize the Treasurer of the City and County of San Francisco to pay Jas. H. Clarke the sum of four hundred and eighty dollars. O'Connell.....  | 370             | 830                        |                |
| 355         | An Act supplementary to and explanatory of an Act entitled an Act amendatory of and supplementary to an Act entitled an Act to tax foreign insurance companies doing business in this State, approved April sixteenth, eighteen hundred and sixty-two, approved March second, eighteen hundred and sixty-four. Satterwhite..... | 370             |                            |                |
| 356         | An Act for the relief of W. R. Crawford. Hubner.....  | 370             | 638                        |                |
| 357         | An Act to allow the claim of J. A. Eagan against the County of Amador. Johnson.....   | 370             | 454                        |                |
| 358         | An Act to authorize the Mayor and Common Council of the City of Marysville to close up Virgin alley, between Seventh and Eighth streets. Merritt.....   | 370             | 489                        |                |
| 359         | An Act authorizing the City and County Surveyor of the City and County of San Francisco to locate and lay down the Central Macadamized Toll Road on the official map of outside lands and conferring certain powers on the Tax Collector of said city and county. Ryan.....   | 370             | 828                        |                |
| 360         | An Act to authorize James K. Johnson, J. Wells, their associates and assigns, to construct and maintain a wharf in the Bay of Crescent City, in the County of Del Norte. Murphy of Del Norte.....   | 370             | 534                        |                |
| 361         | An Act for the relief of T. D. Murphy, W. D. Murphy, G. E.  |                 |                            |                |

| Number..... | TITLE.  | Introduced .... | Passed Assembly..... | Passed Senate. |
|-------------|---|-----------------|----------------------|----------------|
|             | Nottage, P. Malloy, M. J. Bolan, Courtland Wood, W. J. Quinn and Ira D. Thompson, all of the City and County of San Francisco. O'Connell.....   | 380             | 675                  |                |
| 362         | An Act to regulate the distribution of the Police Fund of the City and County of San Francisco. Naphtaly.....   | 379             | 676                  |                |
| 363         | An Act to prevent hunting and shooting on private grounds in the Counties of Alameda and San Mateo. Lewelling.....  | 380             | 503                  |                |
| 364         | An Act authorizing the publication of certain legal notices in a State paper printed at the seat of Government of the State of California. Rockwell.....  | 380             |                      |                |
| 365         | An Act to amend an Act concerning roads and highways in the County of Alameda, approved March twenty-fourth, eighteen hundred and sixty-two. Lewelling .....  | 380             | 673                  |                |
| 366         | An Act entitled an Act to amend section eighty-one of an Act to provide revenue for the support of the Government of this State. Inman.....   | 379             |                      |                |
| 367         | An Act for the supply of pure water from Lake Bigler to the inhabitants of the City and County of San Francisco. M. Hayes.....  | 385             | 672                  |                |
| 368         | An Act to provide for the maintenance and support of the San Francisco Labor and Employment Exchange. O'Connell..   | 385             |                      |                |
| 369         | An Act for the relief of Amos Roberts, Sheriff of Solano County. Haile.....   | 385             | 623                  |                |
| 370         | An Act to provide for the survey and disposal of certain lands belonging to the State of California. Murphy of Santa Clara .....  | 389             |                      |                |
| 371         | An Act concerning Notaries Public in San Joaquin County. Thurston.....  | 391             | 492                  |                |
| 372         | An Act for the protection of white labor in California. McMillan .....  | 391             |                      |                |
| 373         | An Act to amend an Act entitled an Act to amend an Act entitled an Act amendatory of article fourth of an Act entitled an Act to repeal the several charters of the City and County of San Francisco, to establish the boundaries of the City and County of San Francisco and to consolidate the government thereof, approved April nineteenth, eighteen hundred and fifty-six, repealing sections thirty-six to seventy-four, inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said article four, approved April twenty-fifth, eighteen hundred and sixty-two, approved March twenty-sixth, eighteen hundred and sixty-eight. Naphtaly..... | 390             | 810                  |                |
| 374         | An Act to encourage iron mining. Waldron.....   | 397             | 614                  |                |
| 375         | An Act to amend an Act entitled an Act to establish the County of Fresno, passed April nineteenth, eighteen hundred and fifty-seven. Appling.....   | 398             | 499                  |                |
| 376         | An Act to empower the Board of State Harbor Commissioners   |                 |                      |                |

| Number..... | T I T L E.  | Introduced ..... | Passed Assem-<br>bly..... | Passed Senate. |
|-------------|---|------------------|---------------------------|----------------|
|             | to purchase a dredging machine and appurtenances. Rock-<br>well.....  | 398              |                           |                |
| 377         | An Act supplementary to an Act entitled an Act concerning<br>the Harbormaster of the Port of San Francisco, approved<br>March twenty-sixth, eighteen hundred and fifty-seven.<br>Rockwell.....  | 398              | 673                       |                |
| 378         | An Act to amend an Act entitled an Act to redistrict the County<br>of Los Angeles and to provide for the election of Super-<br>visors, approved March twenty-eighth, eighteen hundred<br>and sixty-eight. Fryer.....  | 399              | 503                       |                |
| 379         | An Act to amend an Act entitled an Act to provide revenue for<br>the support of the Government of this State, passed May<br>seventeenth, eighteen hundred and sixty-one. Mooney.....  | 399              |                           |                |
| 380         | An Act to create the Nineteenth Judicial District. Robinson...  | 398              | 609                       |                |
| 381         | An Act to amend an Act entitled an Act to provide for the<br>incorporation of colleges, passed April twentieth, eighteen<br>hundred and fifty. Haile.....   | 399              | 621                       |                |
| 382         | An Act to encourage the raising of Angora or Cashmere goats<br>in this State and the manufacture of different fabrics from<br>the fleeces thereof. Newell.....  | 399              |                           |                |
| 383         | An Act to amend an Act entitled an Act to amend the revenue<br>laws, approved April fourth, eighteen hundred and sixty-<br>four. Murphy of Del Norte.....   | 398              | 623                       |                |
| 384         | An Act to amend an Act entitled an Act to provide revenue for<br>the support of the Government of this State, passed May<br>fifteenth, eighteen hundred and fifty-four, approved April<br>twenty-seventh, eighteen hundred and fifty-five, and all<br>Acts amendatory thereof. Shoemaker..... | 398              |                           |                |
| 385         | An Act to encourage a supply of fresh water on the desert west<br>of Fort Yuma. Rockwell.....   | 398              |                           |                |
| 386         | An Act to authorize the Board of Supervisors of the City and<br>County of San Francisco to order paid a certain claim.<br>Rockwell.....   | 398              | 676                       |                |
| 387         | An Act to authorize the Mayor of the City and County of San<br>Francisco to deed a certain lot of land in said city and<br>county to the Trustees of the Associated Veterans of the<br>Mexican War. Rockwell.....   | 398              | 639                       |                |
| 388         | An Act to amend an Act entitled an Act supplementary to and<br>amendatory of the foregoing Act of April twenty-ninth,<br>eighteen hundred and fifty-seven, approved April seven-<br>teenth, eighteen hundred and fifty-eight. Shoemaker.....  | 398              |                           |                |
| 389         | An Act to pay the claim of Thomas R. Eldredge. Robinson....   | 398              | 610                       |                |
| 390         | An Act to authorize the Board of Supervisors of Solano County,<br>on certain conditions herein named, to grant wharf fran-<br>chises and to regulate the charges thereon. Haile.....  | 398              | 674                       |                |
| 391         | An Act to provide a Contingent Fund for the use of the Legis-<br>lature. McMurry of Trinity.....  | 398              | 441                       |                |

| Number..... | T I T L E .  | Introduced..... | Passed Assembly..... | Passed Senate..... |
|-------------|--|-----------------|----------------------|--------------------|
| 392         | An Act to authorize the Board of Supervisors of Kern County to issue certain bonds for road purposes. Doss.....  | 400             | 635                  |                    |
| 393         | An Act to prohibit and punish seduction. M. Hayes.....   | 418             |                      |                    |
| 394         | An Act to authorize the Board of Supervisors of Marin County to issue and sell bonds of said county and apply the proceeds thereof to the construction of a wagon road or roads in said county. Miller of Marin.....                           | 417             | 464                  |                    |
| 395         | An Act concerning revenue. Shores.....   | 417             | 820                  |                    |
| 396         | An Act to regulate the time for commencing assessments in the counties of this State. Doss.....  | 418             |                      |                    |
| 397         | An Act to provide for the payment of the interest on certain Controller's warrants. Stephens.....  | 418             |                      |                    |
| 398         | An Act to amend section five hundred and thirty-eight of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one. Martin of Butte... | 418             | 624                  |                    |
| 399         | An Act to provide an official residence for the Governor of this State. Duffy.....   | 418             |                      |                    |
| 400         | An Act to amend an Act entitled an Act to regulate proceeding in civil cases in the Courts of justice of this State. Mooney.....   | 418             |                      |                    |
| 401         | An Act to amend the Act of March twenty-sixth, eighteen hundred and sixty-six, entitled an Act to protect agriculture and to prevent the trespassing of animals upon private property. Odell.....  | 418             |                      |                    |
| 402         | An Act to provide for the appointment of a State Chemist and to define his duties, for and within the State of California. Doss.....   | 418             |                      |                    |
| 403         | An Act concerning the State Prison of the State of California. McMillan.....   | 418             |                      |                    |
| 404         | An Act to authorize the Board of Supervisors of Solano County to levy an additional road tax. Haile.....   | 418             | 635                  |                    |
| 405         | An Act to amend an Act entitled an Act to incorporate the Town of Union, approved February second, one thousand eight hundred and fifty-eight. De Haven.....   | 418             | 635                  |                    |
| 406         | An Act to determine the lines and grades of streets, avenues, highways and lanes in the City and County of San Francisco. G. R. B. Hayes.....  | 418             | 636                  |                    |
| 407         | An Act to amend an Act supplementary to an Act to incorporate the City of Marysville, approved March third, eighteen hundred and fifty-seven, and other Acts amendatory thereof. Merritt.....  | 418             |                      |                    |
| 408         | An Act to appropriate money for the relief of General John A. Sutter. Eichelroth.....  | 418             | 517                  |                    |
| 409         | An Act concerning roads and highways in the County of Sacramento. Duffy.....   | 417             |                      |                    |

| Number..... | T I T L E.  | Introduced ..... | Passed Assembly..... | Passed Senate..... |
|-------------|---|------------------|----------------------|--------------------|
| 410         | An Act to provide for the payment of the State's portion of the salary of the County Auditor in the County of Mariposa. Pool.....   | 431              |                      |                    |
| 411         | An Act to alter and the better to define the corporate limits of the Town of Santa Rosa, in Sonoma County. Henley of Sonoma.....  | 431              | 635                  |                    |
| 412         | An Act to authorize the Mayor and Common Council of the City of Stockton, in San Joaquin County, to donate one hundred thousand dollars to the Stockton and Copperopolis Railroad Company and to provide for the payment of the same, and other matters relating thereto. Hubner..... | 431              | 585                  |                    |
| 413         | An Act to legalize, ratify and confirm deeds of conveyance and grants of lands within the pueblo lands of San Diego. Robinson.....  | 432              | 635                  |                    |
| 414         | An Act to provide for the translation of foreign records in the County of Sonoma, and to make such translations evidence of their contents. Henley of Sonoma.....   | 431              | 635                  |                    |
| 415         | An Act to lessen the expenses of land litigation in the City and County of San Francisco. G. R. B. Hayes.....   | 431              | 639                  |                    |
| 416         | An Act declaring Bull Creek navigable. Carothers.....   | 431              | 813                  |                    |
| 417         | An Act to amend an Act to establish a quarantine for the Bay and Harbor of San Francisco and sanitary regulations for the City and County of San Francisco, approved April second, eighteen hundred and sixty-six. Naphtaly.....  | 432              |                      |                    |
| 418         | An Act to obtain and preserve genuine vaccine matter and to provide for the vaccination of the children of this State. Carothers.....   | 431              | 860                  |                    |
| 419         | An Act to better regulate the practice of medicine and surgery. Hihn.....   | 431              |                      |                    |
| 420         | An Act to separate the office of County Recorder from the office of County Clerk in Yuba County. Merritt.....   | 431              | 636                  |                    |
| 421         | An Act in relation to the office of Court Commissioner in the County of San Joaquin. Thurston.....  | 431              | 484                  |                    |
| 422         | An Act for the relief of S. A. Boutwell, S. W. Hancock, W. E. Brown, C. W. Clerk and Fred. Cox. Waldron.....  | 431              |                      |                    |
| 423         | An Act reorganizing the Board of Supervisors of Marin County and redistricting said county. Miller of Marin.....  | 438              | 627                  |                    |
| 424         | An Act to authorize the Board of Trustees of the City of Benicia to subscribe to the capital stock of a railroad and to issue bonds in payment thereof, and other matters relating thereto. Haile.....  | 439              | 676                  |                    |
| 425         | An Act directing the Treasurer and Auditor of Solano County to transfer certain moneys from the Swamp Land Fund and the Redemption Fund of Solano County to the Interest and Redemption Fund. Haile.....  | 439              | 676                  |                    |
| 426         | An Act to incorporate the Town of San Juan Capistrana. Coronel.....   | 446              |                      |                    |

| Number..... | T I T L E.   | Introduced..... | Passed Assembly..... | Passed Senate..... |
|-------------|--|-----------------|----------------------|--------------------|
| 427         | An Act in relation to the school lands of the State. Waldron.....  | 446             | 646                  |                    |
| 428         | An Act to provide for the better collection of State and county revenue in the County of Los Angeles. Coronel.....   | 446             | 931                  |                    |
| 429         | An Act granting a street railroad franchise to the City and County of Sacramento. Stephens.....  | 446             | 500                  |                    |
| 430         | An Act to submit the question of the removal of the county seat of Kern County to the qualified voters of said county. Doss.....   | 446             | 675                  |                    |
| 431         | An Act to authorize the construction of gas works and the laying down of gas pipes in the City of Oakland, Alameda County. Lewelling.....  | 446             | 738                  |                    |
| 432         | An Act for the relief of Lovick P. Hall and Samuel J. Garrison. Johnson.....   | 446             | 605                  |                    |
| 433         | An Act to amend section nine of an Act entitled an Act to amend an Act entitled an Act amendatory of article four of an Act entitled an Act to repeal the several charters of the City of San Francisco, to establish the boundaries of the City and County of San Francisco and to consolidate the government thereof, approved the nineteenth day of April, eighteen hundred and fifty-six, repealing sections thirty-six to sixty-four, inclusive, and Acts and parts of Acts amendatory and supplementary thereof, and substituting this Act for said article four, approved the twenty-fifth day of April, eighteen hundred and sixty-two, approved March twenty-sixth, eighteen hundred and sixty-eight. Griswold..... | 446             | 674                  |                    |
| 434         | An Act to amend an Act entitled an Act to provide for the incorporation of railroad companies and the management of the affairs thereof, and other matters relating thereto, approved May twentieth, eighteen hundred and sixty-one. Oates.....  | 447             |                      |                    |
| 435         | An Act amendatory of and supplementary to an Act for the incorporation of Sacramento City, passed April twenty-fifth, eighteen hundred and sixty-three. Stephens.....  | 447             | 452                  |                    |
| 436         | An Act to authorize the Board of Supervisors of the City of San Francisco to open and grade Market street, in said city and county, from its intersection with Valencia street to its intersection with Seventeenth street, and to condemn private property for the roadway of said street. Naphtaly.....  | 449             |                      |                    |
| 437         | An Act granting the right to construct and maintain a railroad in certain streets herein named, in the City and County of San Francisco. M. Hayes.....   | 449             | 637                  |                    |
| 438         | An Act to locate the county seat for the County of Stanislaus. Walden.....   | 452             | 633                  |                    |
| 439         | An Act amending the first section of an Act entitled an Act extending the time for the payment of a debt of ten thousand dollars, due from Alpine County to Amador County, approved February twenty-ninth, eighteen hundred and sixty-eight. Johnson.....  | 455             | 583                  |                    |

| Number..... | TITLE.  | Introduced ..... | Passed Assembly..... | Passed Senate. |
|-------------|---|------------------|----------------------|----------------|
| 440         | An Act to authorize the Board of Supervisors of the City and County of San Francisco to appropriate moneys for the celebration of the Fourth of July in the said city and county. McMillan.....   | 461              | 636                  |                |
| 441         | An Act to authorize the Board of Trustees of the City of Sacramento to allow a certain claim therein mentioned. Stephens.....   | 461              | 543                  |                |
| 442         | An Act to create the County of Ventura, to establish its boundaries and to provide for its organization. Escandon.....  | 461              | 604                  |                |
| 443         | An Act to amend an Act entitled an Act concerning roads and highways in the Counties of Tuolumne, San Joaquin, Plumas and Siskiyou, approved April nineteenth, one thousand eight hundred and fifty-nine, and the Acts amendatory and supplemental thereto. Hubner..... | 461              | 638                  |                |
| 444         | An Act to authorize the issue of bonds by the County of San Diego to erect county buildings and to obtain a site therefor. Robinson.....  | 461              | 638                  |                |
| 445         | An Act concerning roads and highways in Sutter County. Berry.....   | 461              | 556                  |                |
| 446         | An Act concerning roads and highways in the County of Placer. Waldron.....  | 461              | 637                  |                |
| 447         | An Act to preserve the secrecy of ballots at elections. Hihn.....   | 462              |                      |                |
| 448         | An Act concerning the tide lands in the Bay of San Diego. Robinson.....   | 462              | 887                  |                |
| 449         | An Act amendatory of and supplementary to an Act concerning crimes and punishments, approved April sixteenth, eighteen hundred and fifty, and amended March twenty-eighth, eighteen hundred and sixty-eight. Miller of El Dorado....                                    | 461              | 748                  |                |
| 450         | An Act concerning public roads and highways in the Counties of Santa Cruz and San Diego. Hihn.....  | 462              | 490                  |                |
| 451         | An Act to provide for the payment of the funded indebtedness of the State of California and to contract a funded debt for that purpose. Hihn.....   | 462              | 609                  |                |
| 452         | An Act to amend an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. Carothers.....   | 461              | 649                  |                |
| 453         | An Act supplementary to an Act entitled an Act to provide for the appointment of Notaries Public and defining their duties, approved April twenty-fifth, eighteen hundred and sixty-two. Carothers.....   | 461              | 824                  |                |
| 454         | An Act concerning the office of Tax Collector in the Counties of Contra Costa and Santa Cruz. Hihn.....   | 462              | 484                  |                |
| 455         | An Act to provide for the location and laying out of a public road from Russian River, in Sonoma County, to the Gualala River, in Sonoma County. Henley of Sonoma.....  | 468              | 637                  |                |



## ASSEMBLY BILLS.

[See Assembly Journal.]

| Number..... | TITLE.   | Introduced..... | Passed Assembly..... | Passed Senate. |
|-------------|--|-----------------|----------------------|----------------|
| 456         | An Act fixing the salary of the Deputy Secretary of State. Johnson.....  | 468             |                      |                |
| 457         | An Act to authorize the Board of Supervisors of the City and County of San Francisco to open and grade Market street, in said city, from the intersection of said street with Valencia street to its intersection with Seventeenth street, and to condemn private property for the roadway of said street. G. R. B. Hayes..... | 468             | 722                  |                |
| 458         | An Act to declare Old San Joaquin River and Indian or Pescadero Slough a navigable stream. Carothers.....  | 468             | 812                  |                |
| 459         | An Act to authorize the Board of Supervisors of Sutter County to construct a bridge across the tule, at or near the point where the Stone Road now crosses said tule, and collect tolls thereon. Berry.....  | 468             | 638                  |                |
| 460         | An Act amendatory of and supplementary to an Act entitled an Act to regulate the settlement of the estates of deceased persons. Naphtaly.....  | 468             |                      |                |
| 461         | An Act concerning Justices of the Peace in the City of Stockton. Hubner.....   | 480             | 480                  |                |
| 462         | An Act to provide for the changing of the grades of certain streets in the City and County of San Francisco. McMillan.....   | 480             | 676                  |                |
| 463         | An Act to authorize the Treasurer of Sutter County to transfer money from the General Fund to the Hospital Fund of said county. Berry.....   | 480.            | 638                  |                |
| 464         | An Act to authorize the County of Marin to donate bonds to a railroad company and to provide for the payment of the same. Fortune.....   | 480             |                      |                |
| 465         | An Act to provide for a street railroad in the City and County of San Francisco. O'Connell.....  | 480             | 750                  |                |
| 466         | An Act for the relief of Peter E. Farrell. O'Connell.....  | 480             |                      |                |
| 467         | An Act to prescribe the duties of certain officers in Butte County. Biggs.....   | 480             | 550                  |                |
| 468         | An Act to authorize and empower George F. Nourse, of the Town of Chico and County of Butte, his associates or assigns, to build and run a street railroad from Chico Landing, on the Sacramento River, to the Town of Chico, Chico Township, Butte County, and for branch lines thereto. Martin of Butte.....                  | 479             | 527                  |                |
| 469         | An Act concerning the revenue and revenue officers of the County of Sacramento. Odell.....   | 480             |                      |                |
| 470         | An Act to provide for the payment of taxes in certain cases. Miller of El Dorado.....  | 480             |                      |                |
| 471         | An Act to authorize payment for work done in Swamp Land District Number Two. Horan.....  | 480             |                      |                |
| 472         | An Act granting lands, in certain cases, to the United States. Biggs.....  | 480             |                      |                |

| Number..... | TITLE.  | Introduced .... | Passed Assem-<br>bly..... | Passed Senate. |
|-------------|---|-----------------|---------------------------|----------------|
| 473         | An Act granting to certain parties the right of way for a rail-<br>road and to maintain and construct the same within the<br>corporate limits of the City and County of San Francisco<br>and adjacent thereto. McMillan.....  | 480             |                           |                |
| 474         | An Act further to define the powers and duties of the Sheriff of<br>San Francisco. G. R. B. Hayes.....  | 487             | 488                       |                |
| 475         | An Act to fix the fees of witnesses in criminal cases in San Ber-<br>nardino County. Satterwhite.....   | 488             | 488                       |                |
| 476         | An Act to amend an Act to provide for the management and<br>sale of the lands belonging to the State, approved March<br>twenty-eighth, eighteen hundred and sixty-eight. Haile....  | 487             | 804                       |                |
| 477         | An Act to provide for a railroad within the City and County of<br>San Francisco. Ryan.....  | 487             |                           |                |
| 478         | An Act to define and establish the line and width of East street,<br>between Market street and Clay Street Wharf, in the City<br>and County of San Francisco. Griswold.....   | 487             | 675                       |                |
| 479         | An Act to regulate fees and salaries in Calaveras County and<br>to define the duties of certain officers in said county.<br>Green.....  | 489             | 504                       |                |
| 480         | An Act to provide for a railroad in the City and County of San<br>Francisco. Ryan .....   | 487             |                           |                |
| 481         | An Act concerning roads and highways in the County of Marin.<br>McMurry of Trinity.....   | 487             |                           |                |
| 482         | An Act providing for the construction of a public road in<br>Marin County. McMurry of Trinity.....  | 487             | 753                       |                |
| 483         | An Act for the relief of Anna Virginia Wakeman. G. R. B.<br>Hayes. ....   | 487             | 638                       |                |
| 484         | An Act for the relief of Jas. R. Gravers. G. R. B. Hayes.....   | 487             |                           |                |
| 485         | An Act to amend section two of an Act supplemental to and<br>amendatory of an Act to regulate the interest on money,<br>approved March thirtieth, eighteen hundred and sixty-<br>eight. Biggs.....  | 488             |                           |                |
| 486         | An Act to authorize the payment of the amount due to the<br>Industrial School at San Francisco, under contract made<br>with it pursuant to the Act to provide for the inmates of<br>the State Reform School, approved March thirtieth, eigh-<br>teen hundred and sixty-eight. G. R. B. Hayes..... | 487             |                           |                |
| 487         | An Act to aid in the construction of a wagon road from Round<br>Valley, in Mendocino County, to Hydesville, in Humboldt<br>County. Henley of Mendocino.....   | 488             | 675                       |                |
| 488         | An Act to provide for the adjustment of certain claims against<br>the County of San Mateo. Hihn.....  | 488             |                           |                |
| 489         | An Act to amend an Act entitled an Act to authorize the Boards<br>of Supervisors of the several counties of the State to grant<br>the right to construct wharves on the overflowed and sub-<br>merged lands of this State, approved April eighth, eighteen<br>hundred and fifty-eight. Haile..... | 487             |                           |                |

| Number..... | T I T L E .   | Introduced ..... | Passed Assem-<br>bly..... | Passed Senate. |
|-------------|---|------------------|---------------------------|----------------|
| 490         | An Act to authorize the County of Yuba to take and subscribe seventy-five thousand dollars to the capital stock of the Yuba Central Railroad Company. McClaskey.....  | 497              |                           |                |
| 491         | An Act amendatory of an Act entitled an Act in relation to roads and highways in Sonoma County, and to provide for the election of one County Commissioner of Roads and Highways and prescribe his duties, and repeal all other Acts so far as they conflict with the provisions thereof, approved March eighth, eighteen hundred and sixty-one. Henley of Sonoma ..... | 497              | 638                       |                |
| 492         | An Act for the relief of Frank S. Malone. Stephens.....   | 497              |                           |                |
| 493         | An Act to increase the number of Notaries Public for Stanislaus and Merced Counties. Walden.....  | 497              | 639                       |                |
| 494         | An Act to amend sections three and five of an Act to authorize the Governor of the State of California to appoint a Gauger and Weigher of Wines and Liquors, approved March thirtieth, eighteen hundred and sixty-eight. Lambert.....   | 497              | 623                       |                |
| 495         | An Act regulating the collection of delinquent taxes in the County of Amador. Inman.....  | 497              | 893                       |                |
| 496         | An Act in relation to the office of Tax Collector in the County of Monterey. Blankenship.....   | 497              | 583                       |                |
| 497         | An Act conferring certain powers upon the Sonoma College Association. Henley of Sonoma.....   | 497              | 639                       |                |
| 498         | An Act to provide for the election of six additional Supervisors for the City and County of San Francisco. Rockwell.....  | 497              |                           |                |
| 499         | An Act to grant the right to convey water in pipes to supply the inhabitants of the Town of Oroville. Martin of Butte.  | 497              | 497                       |                |
| 500         | An Act to authorize the construction of a swing or draw bridge across the San Antonio Creek, in the County of Alameda. Inman .....  | 497              | 752                       |                |
| 501         | An Act for the relief of the Hibernia Greens. Moynihan.....   | 497              | 874                       |                |
| 502         | An Act to grant a road franchise to Joseph Rowan and James Rowan, in the County of Mono. Mooney.....  | 497              |                           |                |
| 503         | An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco, and to provide work for laborers. Griswold.....  | 498              |                           |                |
| 504         | An Act defining and limiting the time for the payment of bounties and relief pay due the volunteers of the State of California and troops furnished the United States as a portion of its quota. G. R. B. Hayes .....   | 497              |                           |                |
| 505         | An Act supplementary to an Act entitled an Act to provide for the management and sale of the lands belonging to the State, approved March twenty-eighth, eighteen hundred and sixty-eight. Hubner.....  | 498              |                           |                |
| 506         | An Act to appropriate money for the relief of James W. Marshall. Gilden.....  | 500              | 519                       |                |

| Number..... | T I T L E.  | Introduced ..... | Passed Assembly..... | Passed Senate. |
|-------------|---|------------------|----------------------|----------------|
| 507         | An Act to authorize the Board of Supervisors of Merced County to levy a tax for road purposes, and to direct the application thereof. Walden.....   | 517              | 674                  |                |
| 508         | An Act to amend an Act entitled an Act to provide for establishing, maintaining and protecting public and private roads in the County of Contra Costa, approved March twenty-third, eighteen hundred and sixty-eight. Carothers.                            | 515              |                      |                |
| 509         | An Act authorizing the construction of a wagon toll road from the ranch of R. Nichols, on the Fresno River, Fresno County, to the Mammoth Tree Grove, and thence to intersect the Yosemite Falls trail, near Clark's Mill, in Mariposa County. Appling..... | 516              | 675                  |                |
| 510         | An Act to amend an Act entitled an Act to incorporate the City of Sacramento, approved April twenty-fifth, eighteen hundred and sixty-three. Duffy.....   | 515              | 550                  |                |
| 511         | An Act to provide for the election of a Board of Supervisors in the counties of this State, and to fix their term of office. Inman .....  | 515              |                      |                |
| 512         | An Act establishing a Commission for the revision of the laws. Slicer.....  | 516              | 583                  |                |
| 513         | An Act to provide for the appointment of a Commissioner of Railroads. Railroad Committee.....   | 516              |                      |                |
| 514         | An Act locating the Normal School of the State of California. Committee on Normal School.....   | 514              |                      |                |
| 515         | An Act to confer additional powers upon the Board of Trustees of Suisun City and for other purposes. Haile.....   | 514              | 683                  |                |
| 516         | An Act granting leave of absence to J. P. Moffat, County Clerk of Inyo County. Mooney.....  | 515              | 674                  |                |
| 517         | An Act to provide for a charter of the City and County of San Francisco. Rockwell.....  | 515              | 676                  |                |
| 518         | An Act to authorize the guardian of Walter Price, a minor, to sell his real estate. Gildea.....   | 515              | 565                  |                |
| 519         | An Act to grant certain salt marsh and tide lands to the inhabitants of the Town of Santa Cruz. Hihn.....   | 515              | 543                  |                |
| 520         | An Act fixing the times when the Board of Supervisors of San Joaquin County shall hold their regular sessions. Thurston .....   | 516              | 517                  |                |
| 521         | An Act granting leave of absence to N. D. Witt, District Attorney of San Luis Obispo County. Escandon.....  | 516              | 674                  |                |
| 522         | An Act granting leave of absence to Arza Porter, Sheriff of Santa Barbara County. Escandon.....   | 516              | 674                  |                |
| 523         | An Act to provide a uniform system of ballots in this State. Lewelling.....   | 516              | 862                  |                |
| 524         | An Act to authorize and empower the President and Trustees of the City of San Diego to donate lands to the San Diego and  |                  |                      |                |

## ASSEMBLY BILLS.

[See Assembly Journal.]

| Number..... | T I T L E.   | Introduced ..... | Passed Assem-<br>bly..... | Passed Senate. |
|-------------|--|------------------|---------------------------|----------------|
|             | Los Angeles Railroad Company, to aid in the construction of said railroad. Robinson .....  | 517              | 713                       |                |
| 525         | An Act to amend an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one. Naphtaly.....  | 517              | 651                       |                |
| 526         | An Act to make, open and establish a public street in the City and County of San Francisco, to be called Montgomery avenue, and to take private lands therefor. Naphtaly.....  | 517              |                           |                |
| 527         | An Act to repeal an Act entitled an Act to limit the hours of labor, approved February twenty-first, eighteen hundred and sixty-eight. Hubner.....   | 516              |                           |                |
| 528         | An Act for the relief of Thomas E. Hughes. Walden.....   | 516              | 770                       |                |
| 529         | An Act to exempt aged and infirm persons from their liabilities for road tax. Shores.....  | 529              | 649                       |                |
| 530         | An Act for the relief of Matthew Tomlinson. Rockwell.....  | 529              |                           |                |
| 531         | An Act to provide for the payment of services heretofore rendered to the State of California and to appropriate moneys to pay the same. Rockwell.....  | 529              |                           |                |
| 532         | An Act granting to certain persons therein named the right to lay and maintain a railroad track in the City and County of San Francisco and the Counties of San Mateo and Santa Cruz, and to empower said city and county and said counties to aid in the construction of said road. Ryan..... | 529              | 750                       |                |
| 533         | An Act to authorize the Supervisors of Fresno County to transfer moneys from one fund to another. Appling.....   | 529              | 555                       |                |
| 534         | An Act to authorize the Board of Supervisors of Humboldt County to transfer money from the Building Fund to the Road Fund. De Haven.....   | 529              | 675                       |                |
| 535         | An Act for the relief of J. N. Walker, Sheriff of Fresno County. Appling.....  | 529              | 859                       |                |
| 536         | An Act to establish a Municipal Court in the City and County of San Francisco, to be called the Municipal Criminal Court of the City and County of San Francisco. Naphtaly.  | 529              | 674                       |                |
| 537         | An Act to amend an Act entitled an Act to provide revenue for the support of the Government of this State, passed May seventeenth, eighteen hundred and sixty-one. Horan. . .  | 529              |                           |                |
| 538         | An Act to provide for the payment of claims for allowance for certain companies of the militia of this State. Horan.....   | 529              |                           |                |
| 539         | An Act to amend an Act entitled an Act to protect agriculture and to prevent the trespassing of animals on private property, approved March twenty-sixth, eighteen hundred and sixty-six. Thurston.....  | 529              | 646                       |                |
| 540         | An Act to authorize the Board of Supervisors of the City and County of San Francisco to open and grade certain streets in said city and county, and to condemn private property for the roadway of said streets. G. R. B. Hayes.....   | 529              | 826                       |                |

| Number..... | T I T L E .  | Introduced ..... | Passed Assembly..... | Passed Senate..... |
|-------------|--|------------------|----------------------|--------------------|
| 541         | An Act in relation to the delinquent taxes on money at interest secured by mortgage or otherwise (being a substitute for Assembly Bills Nos. 24, 96 and 268). Committee of Ways and Means.....   | 523              |                      |                    |
| 542         | An Act for the relief of A. J. Younger. Fortune.....   | 539              | 676                  |                    |
| 543         | An Act to amend an Act entitled an Act to amend an Act entitled an Act to organize and regulate townships in San Mateo County, and to define the respective powers, duties and compensation of county and township officers in certain cases, approved March twenty-eighth, eighteen hundred and sixty-eight. Finney ..... | 539              | 539                  |                    |
| 544         | An Act to authorize the establishment of a steam ferry between the Village of Tomales and the opposite side of Tomales Bay, to Laird's Landing, in Marin County, and to construct wharves and docks for the same. Miller of Marin...   | 539              | 812                  |                    |
| 545         | An Act for the relief of J. J. McCredy. G. R. B. Hayes.....  | 539              | 893                  |                    |
| 546         | An Act for assessing and collecting revenue in the Town of San Buenaventura, and approving all ordinances and proceedings of the Town Trustees. Escandon.....  | 539              | 676                  |                    |
| 547         | An Act to appropriate money to pay expenses in suppressing Indian hostilities in San Bernardino County. Satterwhite.   | 539              |                      |                    |
| 548         | An Act to authorize the Saucelito Land and Ferry Company to establish and maintain a public ferry between Marin County and the City and County of San Francisco. Romer.....  | 539              | 684                  |                    |
| 549         | An Act to amend an Act entitled an Act concerning the Courts of justice of this State and judicial officers, approved April twentieth, eighteen hundred and sixty-three. Naphtaly...   | 539              |                      |                    |
| 550         | An Act to open St. Charles Place, in the City and County of San Francisco, as a public thoroughfare. Naphtaly.....   | 540              |                      |                    |
| 551         | An Act in relation to the county officers in the County of Sierra. Koutz.....  | 543              | 544                  |                    |
| 552         | An Act to authorize James Freeborn, B. A. Barney, and associates and assigns, to lay down gas pipes in the Town of Watsonville. Hihn.....  | 545              |                      |                    |
| 553         | An Act to ratify and confirm the corporate acts of the Salinas and Pajaro Turnpike Road Company. Blankenship.....  | 544              | 675                  |                    |
| 544         | An Act concerning lawful fences in the County of Sutter. Berry.....  | 552              | 825                  |                    |
| 555         | An Act in relation to State aid for internal improvements. Fortune.....  | 554              | 605                  |                    |
| 556         | An Act to empower the Counties of Stanislaus, Merced, Fresno and Tulare to aid in the construction of the Stockton and Visalia Railroad. Thurston.....   | 554              | 742                  |                    |
| 557         | An Act to provide for the erection of a branch State Prison in the Town of Folsom, Sacramento County. Stephens.....  | 554              |                      |                    |

| Number..... | T I T L E.   | Introduced .... | Passed Assem-<br>bly ..... | Passed Senate. |
|-------------|--|-----------------|----------------------------|----------------|
| 558         | An Act to provide for the construction of a street railroad within the City and County of San Francisco. McMillan.   | 554             | 676                        |                |
| 559         | An Act to confirm a certain ordinance passed by the Board of Supervisors of the City and County of San Francisco. Rockwell.....  | 554             |                            |                |
| 560         | An Act for the payment of losses and adjustment of the same, of losses sustained by John Nugent. McMillan.....   | 554             | 676                        |                |
| 561         | An Act to increase the number of Notaries Public for Monterey County. Blankenship.....   | 559             | 682                        |                |
| 562         | An Act supplementary to and amendatory of an Act entitled an Act to regulate settlement of the estates of deceased persons, passed May first, eighteen hundred and fifty-one, and the Acts amendatory of and supplemental thereto. Ryan..... | 559             |                            |                |
| 563         | An Act in relation to libels. G. R. B. Hayes.....  | 559             |                            |                |
| 564         | An Act to confer additional powers upon the Board of Trustees of the Town of Eureka, in Humboldt County. De Haven.   | 559             | 682                        |                |
| 565         | An Act to authorize the payment of certain claims against Redwood Township, in the County of San Mateo. Finney.....  | 559             | 583                        |                |
| 566         | An Act conferring further powers upon the Board of Supervisors of the City and County of San Francisco. Fortune...   | 559             | 682                        |                |
| 567         | An Act to confer further powers upon the Board of Supervisors of the City and County of San Francisco, and upon the Auditor and Treasurer of said city. Fortune.....   | 559             | 682                        |                |
| 568         | An Act to incorporate the Town of Brooklyn, Alameda County. Lewelling.....   | 569             | 683                        |                |
| 569         | An Act to prevent gambling in public places, public buildings. Hihn.....   | 569             |                            |                |
| 570         | An Act for the relief of David B. Akey. Eichelroth.....  | 569             |                            |                |
| 571         | An Act granting leave of absence to A. P. Overton, District Attorney of Sonoma County. Henley of Sonoma.....   | 569             | 738                        |                |
| 572         | An Act to encourage tin mining in this State. Satterwhite.....   | 581             | 713                        |                |
| 573         | An Act concerning the State Printer. Duffy ....  | 581             |                            |                |
| 574         | An Act to provide for the creation of the Thirteenth Ward of the City and County of San Francisco. Fortune.....  | 581             |                            |                |
| 575         | An Act to authorize certain parties to introduce water into the City and County of San Francisco. Fortune.....   | 581             | 862                        |                |
| 576         | An Act to authorize the Treasurer of Lassen County to pay to William Williams a certain sum of money adjudged to be due him for erecting the county buildings of said county. Lambert.....   | 581             | 683                        |                |
| 577         | An Act concerning estrays in the County of Sutter. Berry.....  | 581             | 643                        |                |

| Number..... | T I T L E.   | Introduced..... | Passed Assembly..... | Passed Senate. |
|-------------|--|-----------------|----------------------|----------------|
| 578         | An Act to authorize Thomas Brady, John McDermott, their associates and assigns, to lay down gas pipes in the Town of San Rafael. Miller of Marin.....  | 581             | 812                  |                |
| 579         | An Act to pay for services rendered to the State in determining the character of certain lands in San Joaquin County claimed by the State as swamp and overflowed lands. Hubner.....   | 581             | 891                  |                |
| 580         | An Act to grant to certain persons the right of way for a railroad track within the corporate limits of the City and County of San Francisco, and to run horse cars thereon. Naphtaly.....   | 581             |                      |                |
| 581         | An Act to provide for the payment of certain demands audited against the Copying Fund of the Assembly in the year eighteen hundred and sixty-one. Horan.....   | 582             |                      |                |
| 582         | An Act for the encouragement of agriculture and the development of pork raising. Henley of Sonoma.....   | 582             |                      |                |
| 583         | An Act to provide for the erection of a City Hall in the City and County of San Francisco. Rogers.....   | 582             | 753                  |                |
| 584         | An Act to amend an Act entitled an Act in relation to roads and highways in the County of Sonoma, to provide for the election of one County Commissioner of Roads and Highways and prescribe his duties, and repeal all other Acts so far as they conflict with the provisions thereof. Munday..       | 592             | 751                  |                |
| 585         | An Act supplementary to an Act entitled an Act to incorporate the Town of Santa Cruz, approved March thirty-first, eighteen hundred and sixty-six. Hihn.....   | 592             | 768                  |                |
| 586         | An Act to provide for the removal of the Danville District School House, in Contra Costa County. Carothers.....  | 592             | 768                  |                |
| 587         | An Act to repeal an Act entitled an Act to organize and regulate the Justices' Court of the City and County of San Francisco, approved March twenty-sixth, eighteen hundred and sixty-six, and to reorganize and regulate the Justices' Courts in said City and County of San Francisco. Rockwell..... | 592             |                      |                |
| 588         | An Act concerning roads and highways in the County of Lassen. Lambert.....   | 604             | 683                  |                |
| 589         | An Act to provide for the protection of lands in the County of Sutter from overflow. Berry.....  | 604             | 766                  |                |
| 590         | An Act to regulate interest on money. Satterwhite.....   | 604             |                      |                |
| 591         | An Act to incorporate the Town of Hornitas. Pool.....  | 604             | 722                  |                |
| 592         | An Act for the preservation of forest timber in the State of California. Pool.....   | 604             |                      |                |
| 593         | An Act to amend an Act entitled an Act to create and organize the University of California, approved March twenty-third, eighteen hundred and sixty-eight. Horan.....  | 604             |                      |                |
| 594         | An Act to authorize the Governor and Attorney-General of the   |                 |                      |                |



| Number..... | T I T L E .  | Introduced..... | Passed Assembly..... | Passed Senate. |
|-------------|--|-----------------|----------------------|----------------|
|             | State of California to donate and execute a deed for the buildings and grounds formerly known as the State Reform School. Merritt.....   | 604             |                      |                |
| 595         | An Act to amend an Act entitled an Act to amend section six and section thirteen of an Act entitled an Act concerning roads and highways in the Counties of Shasta and Trinity, approved March twenty-eighth, eighteen hundred and sixty-eight. McMurry.....   | 604             | 872                  |                |
| 596         | An Act to legalize and confirm the survey and location of the Weaverville and Shasta Wagon Road. McMurry of Trinity .....  | 604             |                      |                |
| 597         | An Act to regulate the drawing of warrants on the Treasurer of Shasta County. Andrews .....  | 620             | 620                  |                |
| 598         | An Act authorizing the Board of Supervisors of the County of Santa Clara to pay to the Sheriff of said county certain moneys therein named. Thomas.....  | 620             | 620                  |                |
| 599         | An Act to confer additional powers on the Board of Supervisors of Mono County. Mooney.....   | 620             | 708                  |                |
| 600         | An Act to authorize the construction of a railroad from tide water, near the Town of Alviso, in the County of Santa Clara, to southern boundary line of said county, and to aid in the construction of said road. Thomas.....  | 620             | 683                  |                |
| 601         | An Act to amend an Act entitled an Act to amend sections seven, five hundred and thirty-five and five hundred and forty-one of an Act entitled an Act to regulate proceedings in civil cases in the Courts of justice of this State, approved April twenty-ninth, eighteen hundred and fifty-one. Martin of Butte..... | 620             | 891                  |                |
| 602         | An Act to define and establish the boundary line between the Counties of Inyo and Mono. Mooney.....  | 620             | 707                  |                |
| 603         | An Act to provide compensation for the revision of the laws. Freeman .....   | 632             |                      |                |
| 604         | An Act to authorize the Treasurer of San Joaquin County to transfer certain funds to the General School Fund of said county Hubner.....  | 632             | 766                  |                |
| 605         | An Act to provide for a railroad within the City and County of San Francisco. Griswold.....  | 633             |                      |                |
| 606         | An Act in relation to sales and conveyances made by the Pacific Savings and Homestead Association. Naphtaly.....   | 632             | 813                  |                |
| 607         | An Act amendatory of and supplemental to an Act entitled an Act to reincorporate the City of Sonora, approved April tenth, eighteen hundred and sixty-two. Eichelroth.....   | 631             | 672                  |                |
| 608         | An Act to amend an Act entitled an Act concerning common schools in the City of Placerville. Gildea.....   | 631             | 659                  |                |
| 609         | An Act to legalize and provide for the collection of delinquent taxes in the County of Yolo for the fiscal year commencing March first, eighteen hundred and sixty-nine. Kelley...   | 632             | 685                  |                |

| Number..... | T I T L E.   | Introduced..... | Passed Assembly..... | Passed Senate..... |
|-------------|--|-----------------|----------------------|--------------------|
| 610         | An Act to reincorporate the City of Placerville. Gildea.....   | 631             |                      |                    |
| 611         | An Act to authorize the Board of Supervisors of Mendocino County to levy an additional tax for the construction of a wagon road from Ukiah to Mendocino City, and to repair and improve the wagon road from Ukiah City to Cloverdale. Henley of Mendocino..... | 633             | 813                  |                    |
| 612         | An Act to provide for the construction of a Hall of Records at the county seat of the County of Sonoma, to authorize the Board of Supervisors to issue the bonds of the county therefor, and to provide for the payment of the same. Henley of Sonoma.....     | 633             | 813                  |                    |
| 613         | An Act to amend section one of an Act entitled an Act to authorize the Board of Supervisors of Del Norte County to levy a special tax and create a Redemption Fund for the payment of county indebtedness. Murphy of Del Norte...                              | 633             | 633                  |                    |
| 614         | An Act to provide for the importation of birds. Duffy.....   | 631             |                      |                    |
| 615         | An Act granting leave of absence to John Gale, District Attorney of Sierra County. Sammons.....  | 633             | 633                  |                    |
| 616         | An Act to provide for the supply of water to the City and County of San Francisco for street watering purposes, and to provide revenue for the same. Naphaly.....  | 632             |                      |                    |
| 617         | An Act to authorize the Board of Supervisors of the City and County of San Francisco to pay a certain claim. Griswold.   | 632             | 830                  |                    |
| 618         | An Act concerning the charter election of eighteen hundred and seventy for the City of Marysville. Merritt.....  | 635             | 635                  |                    |
| 619         | An Act to incorporate the Fire Department of the City of San José. Shoemaker.....  | 643             | 643                  |                    |
| 620         | An Act to authorize an appropriation of three hundred dollars to pay James M. Sharkey and Lorenzo Hubbard as acting Commissioners for State children and for visits at the Industrial School, San Francisco. G. R. B. Hayes.....                               | 643             |                      |                    |
| 621         | An Act to amend an Act entitled an Act in relation to public roads in Amador County, and the Road Fund of said county. Brown of Amador.....  | 642             | 813                  |                    |
| 622         | An Act to encourage the building of railroads in Contra Costa County. Carothers.....   | 642             | 721                  |                    |
| 623         | An Act for the relief of the First Regiment, Second Brigade, National Guard of California. G. R. B. Hayes.....   | 643             |                      |                    |
| 624         | An Act to separate the office of County Recorder from the office of County Clerk in Yolo County. Kelley.....   | 643             | 722                  |                    |
| 625         | An Act for the relief of Marcus Harloe. McMillan.....  | 643             | 826                  |                    |
| 626         | An Act concerning the county records of Santa Clara County. Murphy of Santa Clara.....   | 643             | 643                  |                    |
| 627         | An Act to remit taxes heretofore levied on money at interest, secured by mortgage or otherwise. Fortune.....   | 643             |                      |                    |

## ASSEMBLY BILLS.

[See Assembly Journal.]

| Number..... | T I T L E.  | Introduced ..... | Passed Assem-<br>bly..... | Passed Senate. |
|-------------|---|------------------|---------------------------|----------------|
| 628         | An Act to repeal an Act entitled an Act creating the offices of Township Collectors and Assessors in the Counties of El Dorado and Amador. Brown of Amador.....   | 642              | 813                       |                |
| 629         | An Act to authorize the Governor to appoint a Commissioner and Inspector of Charities. Thomas.....  | 642              |                           |                |
| 630         | An Act to provide for the appointment of an Inspector of Gas Lamps in San Francisco. O'Connell.....   | 642              |                           |                |
| 631         | An Act granting leave of absence from the State to Henry L. Waldo, District Attorney of Amador County. Brown of Amador.....   | 667              | 667                       |                |
| 632         | An Act to amend an Act entitled an Act authorizing Robert Betge, and others, to lay down and maintain a railroad in the City and County of San Francisco, approved March twenty-eighth, eighteen hundred and sixty-eight. Naph-<br>taly ..... | 667              | 826                       |                |
| 633         | An Act concerning the fees of Public Administrators in the sev-<br>eral counties of this State. Henley.....   | 667              |                           |                |
| 634         | An Act authorizing the County Treasurer of Santa Clara County<br>to pay certain claims against said county. Murphy of<br>Santa Clara.....   | 667              | 813                       |                |
| 635         | An Act to pay the claims of McNally and Hawkins. Murphy.  | 667              | 755                       |                |
| 636         | An Act amendatory of and supplementary to an Act for the<br>protection of game, approved May thirteenth, eighteen<br>hundred and fifty-four, and April seventeenth, eighteen<br>hundred and sixty-one. McClaskey.....                         | 666              |                           |                |
| 637         | An Act to amend an Act entitled an Act to provide for the<br>management and sale of the lands belonging to the State.<br>Hihn.....  | 666              | 666                       |                |
| 638         | An Act to appropriate money to pay the outstanding Indian<br>war bonds issued by the State of California. Miller of El<br>Dorado.....   | 666              | 902                       |                |
| 639         | An Act concerning the revenue. Biggs.....   | 666              | 666                       |                |
| 640         | An Act to promote the farming interests of this State and to<br>provide for the exportation of California produce free of<br>port charges.....  | 666              |                           |                |
| 641         | An Act to amend an Act entitled an Act to reincorporate the<br>City of Sonoma, approved April tenth, eighteen hundred<br>and sixty two. Eichelroth.....   | 666              | 666                       |                |
| 642         | An Act to investigate the affairs of certain late officers of the<br>County of Sacramento. Duffy.....   | 665              |                           |                |
| 643         | An Act amendatory of and supplementary to an Act, approved<br>April twenty-fifth, eighteen hundred and sixty-three,<br>entitled an Act to incorporate the City of Sacramento.<br>Stephens .....   | 668              | 679                       |                |
| 644         | An Act to establish and support a State Normal School. Haile.   |                  |                           |                |

## ASSEMBLY BILLS.

[See Assembly Journal.]

| Number..... | T I T L E.   | Introduced.... | Passed Assem-<br>bly..... | Passed Senate. |
|-------------|--|----------------|---------------------------|----------------|
| 645         | An Act to regulate fees of office and salaries of certain officers in the County of San Luis Obispo. Finney.....   | 683            | 752                       |                |
| 646         | An Act granting leave of absence to F. R. Dray, County Assessor of the County of Sacramento. Duffy.....  | 682            | 682                       |                |
| 647         | An Act granting leave of absence to W. B. C. Brown, County Clerk of Sacramento County. Duffy.....  | 682            | 682                       |                |
| 648         | An Act entitled an Act to confer further powers on the Mayor of the City and County of San Francisco. Griawold.....  | 684            | 684                       |                |
| 649         | An Act to authorize and require the Board of Supervisors of Yolo County to approve and certify certain claims against Swamp Land District Number Eighteen. Kelley.....   | 679            | 826                       |                |
| 650         | An Act to authorize the Board of Supervisors of Marin County to transfer certain funds. Miller of Marin.....   | 690            | 690                       |                |
| 651         | An Act to appropriate money for the purpose of properly inclosing the grave of the late Hon. James B. Smith and to erect a monument to his memory. King.....   | 689            | 690                       |                |
| 652         | An Act to divide the City of Oakland into wards and to provide for the holding of elections therein. Inman.....  | 690            | 690                       |                |
| 653         | An Act to secure a lien on live stock kept, fed or pastured by ranchmen and stable keepers. Brown of Yuba.....   | 690            | 869                       |                |
| 654         | An Act to authorize the Assessor of Contra Costa County to employ a deputy. Carothers.....   | 690            | 690                       |                |
| 655         | An Act to encourage the destruction of squirrels, gophers and other wild animals in the Counties of Santa Clara and Monterey, and to create a bounty therefor. Blankenship.....  | 690            | 690                       |                |
| 656         | An Act authorizing the Board of Education of the City and County of San Francisco to furnish, gratuitously, all necessary text books and stationery for the use of the pupils in the public schools in said city and county, and to equalize the salaries of the male and female teachers in said schools. McMillan.....             | 693            | 825                       |                |
| 657         | An Act making appropriations for the support of the civil government of the State of California for the twenty-second and twenty-third fiscal years, commencing on the first day of July, eighteen hundred and seventy, and ending on the thirtieth day of June, eighteen hundred and seventy-two. Committee of Ways and Means ..... | 702            | 747                       |                |
| 658         | An Act to establish in the City of San Francisco a Labor and Employment Exchange and to provide for its government and support. Committee of Ways and Means.....   | 702            | 805                       |                |
| 659         | An Act concerning roads and highways in Sacramento County. Odell.....  | 703            | 768                       |                |
| 660         | An Act making appropriations for deficiencies in the appropriations made for the nineteenth, twentieth and twenty-first fiscal years, ending June thirtieth, eighteen hundred and seventy. Committee of Ways and Means.....  | 702            | 792                       |                |

ASSEMBLY BILLS.

[See Assembly Journal.]

| Number..... | T I T L E.  | Introduced..... | Passed Assembly..... | Passed Senate. |
|-------------|---|-----------------|----------------------|----------------|
| 661         | An Act to provide for a railroad within the City and County of San Francisco. Rockwell.....   | 703             |                      |                |
| 662         | An Act granting a street railroad franchise in the City of Sacramento. Stephens.....  | 703             |                      |                |
| 663         | An Act concerning the Board of Education of the City and County of San Francisco and defining their powers and duties. Rockwell.....  | 703             | 907                  |                |
| 664         | An Act to prevent stock from trespassing upon certain lands in certain portions of Sacramento County, in certain seasons of the year. Stephens.....   | 703             |                      |                |
| 665         | An Act to authorize the appointment of a Justice of the Peace in Township Number Three, Contra Costa County, and other matters relating thereto. Carothers.....   | 703             |                      |                |
| 666         | An Act for the relief of D. O. Mahoney and Phil. O. Drescher. Berry.....  | 703             | 826                  |                |
| 667         | An Act to provide funds for the construction and improvement of highways in the County of San Mateo. Finney.....  | 703             | 754                  |                |
| 668         | An Act amendatory of an Act entitled an Act to provide for the appointment and prescribe the duties of guardians, passed April nineteenth, eighteen hundred and fifty, and to amend an Act entitled an Act to amend an Act to provide for the appointment and prescribe the duties of guardians, passed April nineteenth, eighteen hundred and fifty. Ryan..... | 703             | 830                  |                |
| 669         | An Act to provide for relocating the county seat of the County of Monterey by the qualified electors of said county. Blankenship.....   | 703             | 745                  |                |
| 670         | An Act to provide for the construction of State Normal School buildings in the City of San José, and other matters relating thereto. Haile.....   | 703             |                      |                |
| 671         | An Act concerning money at interest, secured by mortgage or otherwise. Koutz.....   | 709             |                      |                |
| 672         | An Act concerning taxes on certain kinds of live stock and vehicles in the County of Sierra. Koutz.....   | 709             |                      |                |
| 673         | An Act for the relief of John Henry Blaney. Ryan.....   | 709             |                      |                |
| 674         | An Act for the relief of John Hames. Hihn.....  | 705             | 768                  |                |
| 675         | An Act to provide for the construction of a tram railroad in the Counties of San Mateo and Santa Cruz. Finney.....  | 712             | 712                  |                |
| 676         | An Act to provide for the formation of corporations for the accumulation of funds and savings, and the direct promotion of manufacturing and mechanic arts, agriculture and mining. Naphtaly.....   | 712             | 765                  |                |
| 677         | An Act in relation to labor on and materials for public buildings in this State. Biggs.....   | 710             | 710                  |                |
| 678         | An Act relative to a supply of water for the City of Sacramento. Horan.....   | 712             | 712                  |                |

## ASSEMBLY BILLS.

[See Assembly Journal.]

| Number..... | TITLE.   | Introduced..... | Passed Assembly..... | Passed Senate..... |
|-------------|--|-----------------|----------------------|--------------------|
| 679         | An Act amendatory of and supplemental to an Act to authorize the establishment of a Board of Health in the City of Sacramento. Horan.....  | 712             | 712                  |                    |
| 680         | An Act making appropriations for the support of the several charitable institutions therein specified, during the twenty-second and twenty-third fiscal years, commencing on the first day of July, eighteen hundred and seventy, and ending on the thirtieth day of June, eighteen hundred and seventy-two, inclusive. Committee of Ways and Means... | 713             | 789                  |                    |
| 681         | An Act to provide for the improvement of a certain part of the City and County of San Francisco. Rockwell.....   | 716             | 823                  |                    |
| 682         | An Act granting leave of absence to James B. Hume, Sheriff of El Dorado County. McMurry of El Dorado.....  | 720             | 720                  |                    |
| 683         | An Act making appropriation of money to pay per diem and mileage of the Legislature. Lambert.....  | 723             | 723                  |                    |
| 684         | An Act amendatory of and supplementary to an Act entitled an Act to provide terminal depot grounds for the Terminal Central Pacific Railway Company, approved March twenty-eighth, eighteen hundred and sixty-eight. Finney.....   | 740             | 742                  |                    |
| 685         | An Act to establish a State Normal School (being a substitute for Assembly Bills Nos. 644 and 670). Haile.....   | 747             | 747                  |                    |
| 686         | An Act incorporating Yosemite Turnpike Road Company. York.....   | 747             |                      |                    |
| 687         | An Act to amend an Act concerning roads and highways in Santa Clara County, approved March thirty-first, eighteen hundred and sixty-six. Thomas.....   | 752             |                      |                    |
| 688         | An Act relative to Sheriff's fees in the County of Alameda. Lewelling.....   | 752             | 766                  |                    |
| 689         | An Act amendatory of and supplementary to an Act entitled an Act to reincorporate the City of San José, approved March seventeenth, eighteen hundred and sixty-six. Shoemaker.....   | 753             | 753                  |                    |
| 690         | An Act concerning the Magdalen Asylum of the City and County of San Francisco. Ryan.....   | 754             | 754                  |                    |
| 691         | An Act to appropriate funds to provide for the equipment of the National Guards. McMurry of El Dorado.....   | 758             |                      |                    |
| 692         | An Act to provide five competitive scholarships for the benefit of meritorious young men desirous of entering the State University. Slicer.....  | 754             | 774                  |                    |
| 693         | An Act to amend an Act entitled an Act to regulate fees of office, approved March fifth, eighteen hundred and seventy. Hihn.....   | 762             | 762                  |                    |
| 694         | An Act to change the grade of Leavenworth street and Vallejo street in the City of San Francisco. Griswold.....  | 764             | 764                  |                    |
| 695         | An Act to relieve mortgaged property in this State from full taxation. Lewelling.....  | 764             |                      |                    |

| Number..... | T I T L E .   | Introduced ..... | Passed Assem-<br>bly..... | Passed Senate. |
|-------------|---|------------------|---------------------------|----------------|
| 696         | An Act to authorize the payment of certain claims against the State when approved by the Board of Examiners. Fortune.....   | 765              |                           |                |
| 697         | An Act for the relief of William Biven. Thurston.....   | 765              |                           |                |
| 698         | An Act authorizing the issuance of State bonds to the amount of two hundred and fifty thousand dollars, to be known as State Capitol bonds. Horan.....  | 766              | 859                       |                |
| 699         | An Act supplementary to an Act entitled an Act to regulate fees of office and the salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy. York..... | 769              | 769                       |                |
| 700         | An Act to provide for the payment of certain claims against the Second Township of the County of San Mateo. Finney.   | 773              | 773                       |                |
| 701         | An Act to legalize the assessment roll of the City of Los Angeles. Fryer.....   | 773              | 773                       |                |
| 702         | An Act amendatory of and supplementary to an Act entitled an Act concerning roads and highways in Tuolumne County. Eichelroth.....  | 773              | 773                       |                |
| 703         | An Act to amend an Act entitled an Act to reduce and establish the salaries of officers and pay of members of the Legislature, approved April twenty-first, eighteen hundred and fifty. Biggs.....                                  | 778              |                           |                |
| 704         | An Act for the relief of Clara Kohn. Stephens.....  | 778              |                           |                |
| 705         | An Act to establish pounds in the several townships of Butte County. Martin of Butte.....   | 778              |                           |                |
| 706         | An Act to amend an Act entitled an Act to provide means for the government of Santa Cruz County, and for the funding and payment of the debt of said county, approved January thirty-first, eighteen hundred and seventy. Hihn..... | 778              | 788                       |                |
| 707         | An Act to amend an Act entitled an Act to create and organize the University of California. McMillan.....   | 778              |                           |                |
| 708         | An Act authorizing the County of Sonoma to aid the California Pacific Railroad Company. Hudson ...  | 778              | 786                       |                |
| 709         | An Act to amend an Act entitled an Act to provide for the appointment of a Reporter of the Supreme Court and to define his duties and compensation, passed at the eighteenth session of the Legislature. Gildea.....                | 791              | 803                       |                |
| 710         | An Act concerning the Road Fund of certain districts in Placer County. Calderwood.....  | 791              | 796                       |                |
| 711         | An Act concerning lawful fences in El Dorado County. Miller of El Dorado .....  | 791              | 791                       |                |
| 712         | An Act concerning divorce cases. Naphtaly.....  | 792              |                           |                |
| 713         | An Act to amend an Act entitled an Act to regulate proceedings  |                  |                           |                |

| Number..... | T I T L E.   | Introduced ..... | Passed Assem-<br>bly..... | Passed Senate |
|-------------|--|------------------|---------------------------|---------------|
|             | in civil cases in the Courts of justice of this State, passed April twenty-ninth, eighteen hundred and fifty-one. G. R. B. Hayes.....  | 792              | 792                       |               |
| 714         | An Act to provide for the funding of the indebtedness of Levee District Number One, of Sutter County. Berry.....   | 802              | 802                       |               |
| 715         | An Act concerning the term of office of the Supervisors of Santa Cruz County. Hihn.....  | 802              | 802                       |               |
| 716         | An Act to amend an Act entitled an Act to provide for changing the commencement of the term of office of the District Attorney for the County of Yuba. McClaskey.....  | 802              | 802                       |               |
| 717         | An Act providing for the recording of the papers filed in the Probate Court of the County of Santa Clara in certain cases. Shoemaker.....  | 802              | 802                       |               |
| 718         | An Act to ratify and confirm the transactions of the First Unitarian Society of San Francisco, and of the corporation The Board of Directors of the same. Naphtaly.....  | 802              |                           |               |
| 719         | An Act to regulate and establish the salaries of the Board of Fire Commissioners of the Paid Fire Department of San Francisco. McMillan.....   | 802              |                           |               |
| 720         | An Act to aid in providing a supply of fresh water from Lake Bigler, or other sources, for the use of the inhabitants of San Francisco. Rockwell.....  | 802              |                           |               |
| 721         | An Act to amend an Act to protect agriculture and to prevent the trespassing of animals upon private property, approved March twenty-sixth, eighteen hundred and sixty-six, approved March twenty-eighth, eighteen hundred and sixty-eight. Duffy.....   | 802              |                           |               |
| 722         | An Act to create a Board of Commissioners for the port of Eureka, on Humboldt Bay, and to prescribe their powers and duties. De Haven.....   | 803              | 815                       |               |
| 723         | An Act to create a Board of Education for the City of Marysville. McClaskey.....   | 824              | 824                       |               |
| 724         | An Act to aid and support the State Labor Exchange at Sacramento. Horan.....   | 827              | 844                       |               |
| 725         | An Act to authorize the Board of Tide Land Commissioners to sell certain tide lands. Satterwhite.....  | 827              | 833                       |               |
| 726         | An Act to confer additional powers on the Board of Supervisors of Yuba County. Merritt.....  | 827              | 903                       |               |
| 727         | An Act amendatory of an Act supplementary to and amendatory of an Act entitled an Act to authorize the County of Placer to subscribe to the capital stock of the Central Pacific Railroad Company of California, and to provide for the payment of the same, and other matters relating thereto, approved March thirty-first, eighteen hundred and sixty-six. Power..... | 827              | 828                       |               |
| 728         | An Act to amend an Act entitled an Act declaring certain rivers and creeks navigable. Appling.....   | 828              | 849                       |               |



| Number..... | TITLE.   | Introduced..... | Passed Assembly..... | Passed Senate. |
|-------------|--|-----------------|----------------------|----------------|
| 729         | An Act to amend section thirty-four of an Act concerning roads and highways in Santa Clara County, approved March thirty-first, eighteen hundred and sixty-six. Shoemaker.....   | 828             | 828                  |                |
| 730         | An Act to establish and define the powers and duties of the Secretary of the Board of Education of the City and County of San Francisco. McMillan.....   | 828             |                      |                |
| 731         | An Act to further define the duties of the District Attorney of the County of Contra Costa. Carothers.....   | 828             |                      |                |
| 732         | An Act for the relief of the free schools of the Presentation Convent of the City and County of San Francisco. G. R. B. Hayes.....   | 831             | 910                  |                |
| 733         | An Act to fix the rate of taxation for State purposes. Committee of Ways and Means.....  | 833             | 833                  |                |
| 734         | An Act to submit to the qualified electors of the City and County of San Francisco a proposition to remit said city and county's portion of all taxes on moneys received by savings institutions, banks and loan societies, secured by mortgage. M. Hayes.....                                 | 840             | 860                  |                |
| 735         | An Act to amend an Act entitled an Act to regulate fees and salaries of officers and defining their duties, in the County of El Dorado, and other matters relating thereto, approved March fifth, eighteen hundred and seventy. Newell.....  | 840             | 847                  |                |
| 736         | An Act to provide for the maintenance of the indigent sick of the State of California in the County Hospital of Sacramento County. Eichelroth.....   | 845             |                      |                |
| 737         | An Act to authorize the County of Monterey to aid in the construction of a railroad within its limits and for other purposes pertaining thereto. Blankenship.....  | 847             |                      |                |
| 738         | An Act to authorize the County of Santa Cruz to aid in the construction of railroads in said county. Hihn.....   | 847             | 908                  |                |
| 739         | An Act concerning water courses in the City of Los Angeles.  | 861             | 894                  |                |
| 740         | An Act amendatory of and supplementary to an Act to provide for the continuance and election of a Board of Supervisors in and for San Mateo County, and to define and limit the powers of said Board in certain cases, approved March twenty-fourth, eighteen hundred and sixty-four. Finney.. | 862             | 862                  |                |
| 741         | An Act to amend an Act entitled an Act to regulate the fees of office and salaries of certain officers, and to repeal certain other Acts in relation thereto, approved March fifth, eighteen hundred and seventy. Naphtaly.....  | 869             | 869                  |                |
| 742         | An Act for the relief of the Stockton Light Dragoons. Biggs.   | 869             |                      |                |
| 743         | An Act to amend an Act entitled an Act to provide for paving the streets in the City and County of San Francisco, approved March fourteenth, eighteen hundred and sixty-eight.....   | 884             | 884                  |                |
| 744         | An Act granting to the Pacific Railroad Company the right to extend their passenger wharf on the Straits of Carquinez.   | 884             | 902                  |                |

| Number..... | T I T L E .  | Introduced ..... | Passed Assem-<br>bly..... |
|-------------|--|------------------|---------------------------|
| 745         | An Act to submit the question of the removal of the county seat of Kern County to the qualified voters thereof. Doss.....  | 886              | 886                       |
| 746         | An Act to amend an Act, approved April twenty-fifth, eighteen hundred and sixty-three, entitled an Act providing for the government of Sacramento County. Horan.....                     | 886              | 886                       |
| 747         | An Act to empower the Board of Supervisors of the several counties of the State to aid in the construction of a railroad in their respective counties. Ryan.....                         | 901              | 907                       |
| 748         | An Act to fix the rate of taxation for State purposes.....   | 913              | 913                       |
| 749         | An Act to create a Commission to examine and determine the validity of certain assessments and contracts for street work in San Francisco. Naphtaly.....                                 | 918              | 924                       |
| 750         | An Act to provide for a State Board of Equalisation. Lambert.  | 918              | 919                       |
| 751         | An Act authorizing the Board of State Land Commissioners to sell tide lands to the San Francisco, Santa Cruz and Watsonville Railroad Company.....                                       |                  |                           |
| 752         | An Act supplemental to an Act to empower the Board of Supervisors of the several counties of the State to aid in the construction of a railroad in their respective counties. Ryan ..... | 934              | 934                       |
| 753         | An Act to confer further powers on the Boards of Trustees of the several cities of the State.....  | 934              | 934                       |
| 754         | An Act to authorize the Controller of State to issue a duplicate warrant.....  | 937              | 937                       |

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